DOCUMENT RESUME

ED 264 672 EC 181 321

TITLE	Louisiana Annual Special Education Program Plan. P.L. 94-142, Part B. Fiscal Years 1984-86. Bulletin 1715.
INSTITUTION	Louisiana State Dept. of Education, Baton Rouge. Div. of Special Education.
PUB DATE	83
NOTE	161p.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC07 Plus Postage.
DESCRIPTORS	*Disabilities; Due Process; Elementary Secondary Education; *Federal Legislation; Handicap Identification; Individualized Education Programs; Program Administration; Program Implementation; *Special Education; State Programs; *State Standards; Student Evaluation
IDENTIFIERS	*Education for All Handicapped Children Act; *Louisiana

ABSTRACT

The document specifies Louisiana's plan for special education in fiscal years 1984-86 as required by P.L. 94-142, The Education for All Handicapped Children Act. The document lists policies, procedures, and descriptions of the state's special education efforts, including the full educational opportunities goal, child identification, individualized education program, procedural safeguards, least restrictive environment, protection in evaluation procedures, comprehensive system of personnel development, participation of private school children, placement in private schools, recovery of funds for misclassified children, annual evaluation, responsibility of the state education agency (SEA) for all education programs, state monitoring procedures, direct services by the SEA, public participation, confidentiality, and information on how part B funds will be used (state and local allocations). (CL)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

LOUISIANA ANNUAL SPECIAL EDUCATION PROGRAM PLAN

P.L. 94-142, PART B

ED264672

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

S. Ebarb

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

FISCAL YEARS 1984-86

BULLETIN 1715

Louisiana Department of Education
Thomas G. Clausen, State Superintendent

Irene M. Newby, Assistant Superintendent
for Special Educational Services

EC 181321

BEST COPY AVAILABLE

LOUISIANA SPECIAL EDUCATION ANNUAL PROGRAM PLAN

P.L. 94-142, PART B

FISCAL YEARS 1984-86

State Board of Elementary and Seconday Education

Dr. Claire R. Landry, President
Br. Felician Fourrier, S.C., Vice-President
Mrs. Marie Louise Snellings, Secretary-Treasurer
Mr. Jesse H. Bankston
Dr. John A. Bertrand
Dr. John A. Harper
Mr. Milton Hamel
Mr. Jack Pellegrin
Dr. Russell Protti
Mr. A.J. "Sookie" Roy, Jr.
Br. David Sinitiere, F.S.C.

Office of Special Educational Services
Mrs. Irene Newby, Assistant Superintendent

State Department of Education
Thomas G. Clausen, Ph. D., State Superintendent

STATE PLAN SUBMISSION

FISCAL YEARS 1984-1986

TABLE OF CONTENTS

PAGE

Part I - Submission Statements and Certifications

A. SUBMISSION STATEMENT..... (i)

B. ASSURANCE STATEMENTS.....1

C. GENERAL STATE APPLICATION - EDGAR ASSURANCE.....3

D. CERTIFICATIONS REQUIRED BY EDGAR.....5

E. GOVERNOR'S OPPORTUNITY TO COMMENT.....6

F. CIVIL RIGHTS CERTIFICATE.....(ii)

Part II - Substantive Requirements

A. POLICIES, PROCEDURES, AND DESCRIPTIONS.....7

B. REPORT OF HOW PART B FUNDS WILL BE USED.....132

Appendix A - ACT 754.....

Appendix B - BULLETIN 1706: REGULATIONS FOR THE IMPLEMENTATION OF THE EXCEPTIONAL CHILDREN'S ACT.....

Appendix C - BULLETIN 1508: PUPIL APPRAISAL HANDBOOK.....

*Appendices A, B, and C are available upon request from the Department of Education, Office of Special Educational Services, Post Office Box 44064, Baton Rouge, Louisiana 70804, (504) 342-3631.

Part I - Submission Statements and Certifications

A. SUBMISSION STATEMENT

I, the undersigned authorized official of the State Board of Elementary and Secondary Education of _____, hereby submit the following State Plan for Fiscal Years 1984-1986 under Part B of the Education of the Handicapped Act, as amended by Public Law 94-142.

Blaire Roy Landry

signature of President of Louisiana State Board of Elementary and Secondary Education

date

typed name and title

signature of State Superintendent of Education

3-25-83

date

typed name and title

DAVID C. TREEN
GOVERNOR

State of Louisiana
EXECUTIVE DEPARTMENT
Baton Rouge

April 13, 1983

Terrel H. Bell
Office of the Secretary of Education
Federal Office Building 6
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Mr. Bell:

I am pleased to submit for the State of Louisiana the Annual Special Education Program Plan, Fiscal Years 1984-1986. I have reviewed the plan and approve of the direction the Special Education Department is taking.

Should you have any questions regarding this plan, please do not hesitate to contact my office. With warm regard, I am

Sincerely,

David C. Treen

David C. Treen

DCT/klb
Attachment

B. ASSURANCE STATEMENTS

The State of Louisiana makes the following assurances and provisions as required by Part B of the Education of the Handicapped Act, as amended (20 U.S.C. 1411-1420):

I. In carrying out the requirements of 20 U.S.C. 1412, procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children (20 U.S.C. 1412(7)(A)).

II. Programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program including sections 146 and 147 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2771-2772) and section 122 of the Vocational Education Act of 1963 (20 U.S.C. 1232), under which there is specific authority for the provision of assistance for the education of handicapped children, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with the goal of providing a free, appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs (20 U.S.C. 1413(a)(2)).

III. Federal funds made available under the Act (A) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case to supplant such State and local funds, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the Secretary may waive in part the requirement of this clause (20 U.S.C. 1413(a)(9)).

IV. The State has an advisory panel, appointed by the State Board of Elementary and Secondary Education, composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, and administrators of programs for handicapped children, which (A) advises the State Board of Elementary and Secondary Education of unmet needs within the State in the education of handicapped children, (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds

under the Act, and (C) assists the State in developing and reporting such data and evaluations as may assist the Secretary in the performance of his responsibilities under 20 U.S.C. 1418 (20 U.S.C. 1413(a)(12)).

C. General Application

The Louisiana State Board of Elementary and Secondary Education submits the FY84-86 Special Education Program Plan containing a certified general application including the assurances set out in 100b.101 of EDGAR for the programs administered under:

(1) Part B of the Education of the Handicapped Act (20 Part 121a U.S.C. 1411-1418; 1420) and,

(2) Incentive Grants: Section 619 of the Education of the Handicapped Act: Part 121m (20 U.S.C. 1419).

The State Board of Elementary and Secondary Education assures:

(1) That each program will be administered in accordance with all applicable statutes, regulations, State plans, and applications;

(2) That the control of funds provided under each program and title to property acquired with program funds will be in a public agency, and that the public agency will administer the funds and property;

(3) That the State will adopt and use proper methods of administering the program, including:

(a) Monitoring of agencies, institutions, and organizations responsible for carrying out each program, and the enforcement of any obligations imposed on those agencies, institutions and organizations under law;

(b) Providing technical assistance, if necessary, to those agencies, institutions, and organizations;

(c) Encouraging the adoption of promising or innovative educational techniques by those agencies, institutions, and organizations;

(d) The dissemination throughout the State of information on program requirements and successful practices; and

(e) The correction of deficiencies in program operations that are identified through monitoring or evaluation.

(4) That the State will evaluate the effectiveness of the program in meeting statutory objectives not less than once every three years and that the State will cooperate in carrying out any evaluation of a program conducted by or for the Secretary or other Federal official;

(5) That the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and account for, Federal funds paid to the State under the program;

(6) That the State will:

(a) Make reports to the Commissioner, including reports on the results of evaluations required under paragraph (e) (4) of this section, as may reasonably be necessary to enable the Commissioner to perform his or her duties under each program; and

(b) Maintain records, in accordance with the requirements of Section 437 of General Education Program Administration (GEPA) and afford access to those records as the Commissioner may find necessary to carry out his or her duties, and

(7) That the State will provide reasonable opportunities for the participation by local agencies, representatives of the class of individuals affected by each program and other interested institutions, organizations, and individuals in the planning for and operation of the program, including the following:

(a) The State will consult with relevant advisory committees, local agencies, interest groups, and experienced professionals in the development of the State plan.

(b) The State will publish the proposed State plan, in a manner that will ensure circulation throughout the State, at least 60 days prior to the date on which the plan is submitted to the Commissioner on which the plan becomes effective, whichever occurs earlier, with an opportunity for public comments on the plan to be accepted for at least 30 days.

(c) The State will hold public hearings on the proposed State plan if required by the Commissioner for regulations.

(d) The State will provide an opportunity for interested agencies, organizations, and individuals to suggest improvements in the administration of the program and to allege that there has been a failure by any entity to comply with applicable statutes and regulations.

D. CERTIFICATIONS REQUIRED BY EDGAR

In accordance with 34 CFR 76.104, the Louisiana Board of Elementary and Secondary Education assures:

I. That the plan is submitted by the State agency that is eligible to submit the plan.

II. That the State agency has authority under State law to perform the functions of the State under the program.

III. That the State legally may carry out each provision of the plan.

IV. That all provisions of the plan are consistent with State law.

V. That a State officer, specified by title in the certifications, has authority under State law to receive, hold, and disburse Federal funds made available under the plan.

VI. That the State officer who submits this plan, specified by title in the certification, has authority to submit the plan.

VII. That the agency that submits the plan has adopted or otherwise formally approved the plan.

VIII. That the plan is the basis for State operation and administration of the program.

E. GOVERNOR'S OPPORTUNITY TO COMMENT

This State has given the Governor at least 45 days to comment on this plan before submitting the plan to the United States Secretary of Education (34 CFR 76.105).

__X__ The Governor's comments are attached to this plan.

_____ The Governor did not comment on this plan.

F. CIVIL RIGHTS CERTIFICATE

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AND THE AGE DISCRIMINATION ACT OF 1975

The applicant provides this assurance in consideration of and for the purpose of obtaining Federal grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Education.

The applicant assures that it will comply with:

1. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

2. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.

3. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance.

4. The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

5. All regulations, guidelines, and standards lawfully adopted under the above statutes by the United States Department of Education.

The applicant agrees that compliance with this Assurance constitutes a condition of continued receipt of Federal financial assistance, and that it is binding upon the applicant, its successors, transferees, and assignees for the period during which such assistance is provided. The applicant further assures that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education programs or activities are not discriminating in violation of the above statutes, regulations, guidelines, and standards against those students or employees. In the event of failure to comply, the applicant understands that assistance can be terminated and the applicant denied the right to receive further assistance. The applicant also understands that the Department of Education may at its discretion seek a court order requiring compliance with the terms of the Assurance or seek other appropriate judicial relief.

The person or persons whose signature(s) appear(s) below is/are authorized to sign this application, and to commit the applicant to the above provisions.

3-25-83
Date

Authorized Official(s)

Name of Applicant or Recipient

Street

City, State, Zip Code

Part II - Substantive Requirements

A. POLICIES, PROCEDURES, AND DESCRIPTIONS

	Item	(Column A) Changed from FY 81-83 Plan	(Column B) Pages in FY 84-86 Plan
I.	Right to Education Policy Statement (20 U.S.C. 1412(1) and 1912(2)(B); 34 CFR 300.121-122)	X	7
II.	Full Educational Opportunities Goal (20 U.S.C. 1412)(2)(A); 34 CFR 300.123-126) (See Footnote #1)	X	8
III.	Priorities	X	9
IV.	Child Identification (20 U.S.C. 1412 (2)(C); 34 CFR 300.128)	X	9
V.	Individualized Education Program (20 U.S.C. 1412(4); 34 CFR 300.130)	X	22
VI.	Procedural Safeguards (20 U.S.C. 1412 (5)(A); 34 CFR 300.131)	X	28
VII.	Least Restrictive Environment (20 U.S.C. 1412(5)(B); 34 CFR 300.132) (See Footnote #3)	X	43
VIII.	Protection in Evaluation Procedures (20 U.S.C. 1412(5)(C); 34 CFR 300.133)	X	48
IX.	Comprehensive System of Personnel Development (20 U.S.C. 1413 (a)(3); 34 CFR 300.139) (See Footnote #4)	X	51
X.	Participation of Private School Children (20 U.S.C. 1413(a)(4)(A); 34 CFR 300.140; 34 CFR 76.651-76.663)	X	90
XI.	Placement in Private Schools (20 U.S.C. 1413 (a)(4)(B); 34 CFR 300.140)	X	95
XII.	Recovery of Funds for Misclassified Children (20 U.S.C. 1413(a)(5); 34 CFR 300.141)	X	97
XIII.	Notice and Opportunity for Hearing on LEA Application (20 U.S.C. 1413 (a)(8); 34 CFR 300.144)	X	98
XIV.	Annual Evaluation (20 U.S.C. 1413(a)(11); 34 CFR 300.146)	X	105

	(Column A)	(Column B)
XV. Additional Requirements		
A. Responsibility of SEA for All Education Programs (20 U.S.C. 1412(6); 34 CFR 300.134)	X	108
B. SEA Monitoring Procedures (34 CFR 76.101(e)(3); 34 CFR 300.128(a)(5), 300.130(b)(2), 300.402(a), 300.556)	X	111
C. Policies and Procedures for Use of Part B Funds (20 U.S.C. 1413(a)(1); 34 CFR 300.148)	X	116
D. Direct Services by the SEA (20 U.S.C. 1413(b); 34 CFR 300.151)	X	117
E. Implementation Procedures - SEA (20 U.S.C. 1412(6); 34 CFR 300.136)	X	118
F. Public Participation	X	119
XVI. Confidentiality (20 U.S.C. 1412(2)(D); 34 CFR 300.129)	X	125

B. REPORT OF HOW PART B FUNDS WILL BE USED

	Page
I. State Allocations	132
II. Local Educational Agency Allocations	135

Part II Substantive Requirements

POLICIES, PROCEDURES, and DESCRIPTIONS

I. Right to Education Policy Statement

A. Policy to ensure all handicapped children a free appropriate public education.

The State of Louisiana reaffirms its policy that all handicapped children have the right to a free appropriate public education.

B. Additional policies ensuring all handicapped children the right to an education.

On July 14, 1977, Governor Edwin Edwards signed a new special education law for Louisiana, Act 754 Louisiana's law for exceptional children (R.S. 17:1941 et seq.) became effective September 1, 1978.

1. Applicability to all agencies providing services

"The provisions of this Chapter shall be administered at the state level by the Department of Education, with the approval of its governing authority, and on the city or parish level by parish or city school boards. The Department of Education with the approval of its governing authority shall provide only general supervision and monitoring when the provisions of this Chapter by law are administered through or in other state agencies.

For purposes of administering this Part, the Superintendent of Education shall establish within the Department a division of special education services which shall provide general supervision and monitoring of all education programs for exceptional children conducted within the state, including all such education programs administered by other state or local agencies." (R.S. 17:1944A)

2. Policy statement from R.S. 17:1941

"It is and shall be the duty of the state, city and parish public school systems of the State of Louisiana to provide an appropriate free, publicly supported education to every exceptional child who is a resident therein."

3. Definition of exceptional children from R.S. 17:1943 (1)

"An 'exceptional child' is any child who is located, identified, and evaluated...as being mentally retarded, gifted and talented, hard of hearing, deaf, speech impaired, severe language disordered, visually handicapped, emotionally disturbed (behavior disordered), orthopedically handicapped, hospital/homebound, other health impaired, learning disabled, educationally handicapped, slow learners, and as a result may require special education or related services."

4. Age requirements from R.S 17:1943 (4)

"Age requirements...shall be exceptional children not less than the chronological age of three years or not more than twenty-one years, inclusive, subject to the rules and regulations of the Department of Education, with the approval of its governing authority. Special education may be provided under this part for children under three years of age who have serious handicapping conditions which, if untreated, could become greatly compounded by school age."

C. Procedures that the Department of Education will undertake to implement the Right to Education Policy

A copy of Act 754 of 1977, which implements the Right to Education Policy, is contained in Appendix A. Appendix B contains a copy of the Regulations for Act 754 (revised July 1, 1981) approved by the Louisiana Board of Elementary and Secondary Education.

II. Full Educational Opportunities Goal and Timelines

A. Goal Statement

The State of Louisiana establishes and reaffirms the goal of providing full educational opportunities to all handicapped children. The Fiscal Year 1977 Amended Annual Program Plan states:

"It is the policy of the State of Louisiana, Board of Elementary and Secondary Education, that free appropriate educational opportunities shall be made available to all handicapped children between the ages of 0 through 21 years."

B. Timelines Statement

R.S. 17:1941 states:

Part I: Educational Opportunities for Exceptional Children §1941, Declaration of Public Policy. It is and shall be the duty of state, city and parish public school systems of the State of Louisiana to provide an appropriate, free, publicly supported education to every exceptional child who is a resident therein."

The Regulations for Implementation of Act 754 of 1977 state:

"§260. Full Educational Opportunity. The Department must ensure that all public education programs of the State strive to meet the goal of providing full service to all exceptional children, aged birth through twenty-one years, no later than September 1, 1985."

III. Policy on Priorities

The requirement that states establish priorities has been superseded by the requirement that, as of September 1, 1980, all handicapped children in a State have available to them a free appropriate public education. Therefore, this plan requirement no longer applies.

IV. Child Identification

A. Policies and procedures undertaken to ensure that all handicapped children are identified, located, and evaluated

It is the policy of the State of Louisiana, State Board of Elementary and Secondary Education, that free appropriate educational opportunities shall be made available to all handicapped children, ages 0 through 21 years. Inherent in the institutionalization of this policy is the need of a system to locate, identify, and evaluate those requiring special education and related services.

The State of Louisiana, Department of Education, Office of Special Educational Services, has the responsibility for the statewide coordination of the planning and implementation of the child identification, location, and evaluation efforts.

B. The Child Identification Process in Louisiana

1. Identification

The primary responsibility for identifying children who may be exceptional children (e.g., gifted* or talented*, behavior disordered, deaf-blind, severe language disordered*, emotionally disturbed, autistic, educationally handicapped*/slow learner, learning disabled, mentally retarded, hearing impaired, orthopedically handicapped, deaf/blind, multihandicapped, visually handicapped, speech impaired, hospital or homebound, or otherwise health impaired) rests with city and parish school boards. School board staff must continually search for children who may be exceptional and who may be in need of special education and related services. These children may be out of school, in nonpublic schools, in public or nonpublic residential programs or in regular school programs. All State and local public agencies and nonpublic schools within the State are directed by the State Board regulations to cooperate with staff of the school districts. Parents, teachers, medical practitioners in the community and other interested citizens are asked to assist in locating children who may be exceptional by bringing such children to the attention of the school board.

*Not addressed in P.L. 94-142

A school system shall identify a student enrolled in regular education as suspected of being exceptional only by conducting and documenting the results of all items listed under Educational Screening in Bulletin 1508: Pupil Appraisal Handbook including: reviews of sensory screening, educational and general health history, academic and social performance, communication and motor skills; parent/teacher communication regarding area(s) of concern; at least one regular education intervention appropriate to the concern and age of the student (exceptions to this are defined in Bulletin 1508); and a review of all data collected during this process by a committee of at least two school staff members.

The school based committee, in conjunction with a member of pupil appraisal, shall make a screening decision. The committee has three basic options:

a. The process may end because the student is not suspected of being exceptional and can achieve adequately in regular education with no additional help.

b. The process may end because the student is not suspected of being exceptional, but support services may be requested from pupil appraisal personnel to assist the student in regular education.

c. The student is suspected of being exceptional and a referral is made to pupil appraisal for a an individual evaluation.

After the children have been identified as possibly exceptional, parents must be notified of the concerns and permission to evaluate requested within 10 operational days. An evaluation coordinator will be assigned to each child to ensure evaluation activities are properly handled after identification. Bulletin 1508: Pupil Appraisal Handbook describes the criteria for determining exceptionality and need for special education and related services in Louisiana (see Appendix C). Parents must give approval before an initial individual evaluation can be conducted and must be notified in advance of the conduct of a re-evaluation. Due process rights must be fully explained to the parents, and they must receive a written copy of these rights. Parents may object to a decision made by the school board staff not to evaluate through a hearing process and may withdraw their permission to evaluate at any point.

2. Evaluation

The purposes of the evaluation are to determine whether:

a. The child possesses a qualifying impairment of condition, and

b. The impairment or condition adversely affects the educational performance of the child so as to create a need for special education and related services.

To conduct the evaluation, the evaluation coordinator must appoint a multidisciplinary team composed of persons from different professional backgrounds. Each team should be formed around the particular needs of the child so that when a medical condition must be assessed a physician is included; when a mental or psychological problem exists a psychiatrist or psychologist must be included, etc. In all instances a person with specialized training in the educational implications of an impairment or condition must be included on the team. With the few exceptions outlined in Bulletin 1508, a team of minimal size is composed of the teacher and at least two examiners certified as qualified by the State Department of Education.

Timelines for the individual evaluation begin as soon as parental permission to conduct the evaluation is received in the school system (or, parental notification of a re-evaluation is sent, which must occur by the third year anniversary of the last evaluation). The evaluation must be completed and disseminated to the supervisor of special education within 60 operational days. Justified timeline extensions are detailed in Bulletin 1508.

An individual evaluation consists of one or both of the following components as required in Bulletin 1508:

(1) Pupil Appraisal Assessment Program

The pupil appraisal assessment program is a classroom-based process of assembling information about a student through informal procedures and includes an interview with the teacher(s), systematic observation of behavior, and the development and implementation of a behavioral or instructional intervention that is conducted for a reasonable period of time. The pupil appraisal assessment program is required for all students suspected of having mild learning or behavior problems and serves the purpose of maintaining students with mild problems in regular education with appropriate recommendations and modifications whenever possible.

(2) Diagnostic Assessment

Diagnostic assessment includes those procedures, instruments and sources of information used to assist in determining if a child meets the criteria to be classified as exceptional in accordance with R.S. 17:1941 et seq. The required diagnostic assessment is specified in the evaluation procedures for each exceptionality. Tests used during the evaluation must be fair, appropriate, and unbiased, and no single test or criterion can be used as the basis of a determination. People administering the tests must be qualified, able to communicate effectively with the child, and able to interpret the results of the test fairly and accurately.

After the report of the individual evaluation has been prepared, a written copy and an oral explanation of the finding must be provided to the parents. Parents have the right to object formally to the conclusions of the evaluation through the hearing process.

The team, in preparing the report, should include recommendations for types of educational services for the child. The recommendations will help the child's IEP committee to reach an independent decision for the planning of an appropriate educational program. Following the receipt by the parents of the evaluation report, the team will develop an individualized educational program for each child found to be exceptional and in need of special educational services.

Child Identification--Child Search

Act 754 indicated a strong commitment in Louisiana to ongoing child identification activities. The Regulations for Implementation of the Exceptional Children's Act provide that each school system must continually seek out, identify, and locate every child (ages 0 through 22) within the jurisdiction of the board (regardless of current residence or enrollment) who is suspected of being an exceptional child in need of special education and related services. A formal Child Search effort must be conducted at least once each school year.

Child Search

During fiscal years 1984-86, the State Department of Education proposes to continue the Child Search objectives and activities employed during FY1981-83. This successful approach has involved a broad spectrum of concerned citizens, educators, and human service agencies in Louisiana. Such human service agencies include: Headstart, the Offices of Mental Retardation, Mental Health and Substance Abuse, Health Services and Environmental Quality, the Department of Corrections, and Vocational Rehabilitation. The continuation of this approach will strengthen the ability of the school systems to actively and effectively seek out, locate, and identify all handicapped children.

A major theme during FY84-86 will be the identification, location, and evaluation of students, ages 14 through 21 years, who have dropped out of school. The focus of activities will be to make parents, students, and other citizens aware that all handicapped children through the age of 21 have available to them appropriate educational opportunities in the elementary and secondary school structure in Louisiana. The location, identification, and evaluation of the more severely handicapped (regardless of age) is also a priority effort. School systems will be encouraged to develop awareness activities specifically designed for this population as well as continuing the ongoing search for all handicapped children. On the pages that follow are the Child Search objectives, activities, timelines, resources, and expected outcomes for Louisiana in fiscal years 1984-86.

Determination of Children Receiving and Not Receiving Special Education

Data counts from P.L. 94-142 Child Count, P.L.89-313 ADA Count, and the Minimum Foundation Program provide the number of students by exceptionality receiving special educational services. The P.L. 94-142 Annual Performance Report also requires all school systems to submit a count of all students requiring special education who are not receiving it.

CHILD SEARCH

Objective One: To assist the LEAs in developing and implementing Child Search Plans.

Agency	Activities	Timelines	Resources	Expected Outcomes
SDE	1.1 Receive, review and approve all LEA Child Search plans for FY84-86. Approval and content criteria were specified in the FY1977 AAPP.	July 1, 1983 July 1, 1984 July 1, 1985	Federal State	All school systems have approved Child Search plans with comprehensive ongoing activities.
SDE	1.2 Child Search Coordinator and Regional Coordinators will offer technical assistance to all school systems in continuing implementation of Child Search.	Ongoing		All schools systems receive technical assistance from the regional coordinator(s) assigned to that region.
SDE	1.3 Regional coordinators will monitor each parish to determine if projected activities are being carried out. Quarterly reports will be reviewed.	Ongoing		All school systems have implemented Child Search plans.
SDE	1.4 Awareness activities and techniques from systems are shared at SDE level and disseminated to other school systems.	Ongoing at SDE plus two workshops annually		Useful awareness techniques will be shared at staffings and disseminated to other school systems.
SDE	1.5 Maintain and disseminate roster of Child Search Coordinators.	Ongoing	Resources expended in this category will be very limited since the LEAs share of the formula grant has increased and the legislature is funding Special Ed Director positions.	All school systems have Child Search Coordinators to develop and direct Child Search activities.
SDE	1.6 Provide appropriate materials for Child Search activities as necessary.	By September 30, 1983		All school systems have adequate supplies and materials to conduct appropriate Child Search activities.

Objective One (Cont'd)

Agency	Activities	Timelines	Resources	Expected Outcomes
SDE	1.7 Will designate a Child Search Coordinator and Assistant. Will use regional staff development coordinators.	Ongoing		SDE staff adequate to insure quality Child Search activities statewide in Louisiana.
SDE	1.8 SEA Child Search Coordinator will provide continuing inservice to all SDE staff and to regional personnel relative to appropriate Child Search techniques.	Ongoing		SDE staff have appropriate knowledge of what Child Search is and how it is to be implemented in each school system in Louisiana to provide necessary direction and technical assistance.
SDE	1.9 SDE Child Search Coordinator and Regional Coordinators will determine if activities are effective and appropriate as indicated on quarterly reports.	Ongoing		Awareness activities will be conducted as scheduled and results analyzed for effectiveness.
SDE	1.10 SDE Child Search Coordinator and Regional Coordinators strongly encourage consortium efforts to maximize Child Search effectiveness.	Ongoing		Consortiums for media use will be formed among the rural parishes in Louisiana as appropriate.
SDE	1.11 SDE compliance monitors will conduct indepth monitoring (administrative review) in one-third of the school systems annually.	Ongoing		One-third of the school systems will be closely monitored in administrative review visits by team. Child Search efforts will be evaluated. Follow up reports of deficiencies will be sent to all monitored school systems.
SDE	1.12 SDE Child Search Coordinator will monitor Child Search activities.	Ongoing		Child Search activities will be monitored during regularly scheduled site reviews. In addition, quarterly reports will be surveyed for compliance and maintained on file.

Objective Two: To enhance Identification and Referral Processes, the SDE will develop cooperative agreements with human service agencies, parent and volunteer groups.

Agency	Activities	Timelines	Resources	Expected Outcomes
SDE	2.1 Continue to contact major agencies, volunteer and parent groups to gain additional State level support for Child Search.	By June 1, 1984	See Obj. 1 Federal	Letters written to and support letters obtained from all major human service agencies, parent and volunteer groups in Louisiana.
SDE	2.2 Develop interagency agreements with human service agencies to facilitate the child identification and child search efforts.	Ongoing		Interagency agreements. Re: Child Identification and Child Search between SDE, DHHR, (OMR, OMH, OHD, and Handicapped Children's Program) Corrections, & Headstart
SDE	2.3 Make presentations to human service agencies, educational, parent and volunteer groups and include Child Search information.	Ongoing		Major human service agencies, educational, parent and volunteer groups become directly familiar with Child Search activities in Louisiana.
SDE	2.4 Develop cooperative activities with the above agencies or groups.	Ongoing		Statewide Child Search activities will be enhanced through cooperative activities between the SDE and human service agencies and parent groups.

17

Objective Three: To assist the LEAs in their Child Search campaigns by making media techniques available to them.

Agency	Activities	Timelines	Resources	Expected Outcomes
SDE	3.1 Continue to share ideas and information from other states pertinent to Child Search through the mailouts and scheduled workshops.	Ongoing	Federal: $10,000	Collection of materials available to the LEAs to adapt for their own Child Search activities. Activities may be varied and strengthened.
SDE	3.2 A 15-minute Child Search slide presentation will be developed by the SDE and made available to school systems.	October 1, 1983		School systems will have a Child Search slide presentation for public awareness use.
SDE	3.3 Six written radio public announcements will be available to school systems.	Ongoing		School systems will have radio public service announcements available for regional use to strengthen Child Search efforts.
SDE	3.4 Offer technical assistance in media development to school systems in two statewide workshops.	September, 1983 and April, 1984		School systems Child Search Coordinators will receive inservice on useful media techniques they can adapt for regional or school system use.

Objective Four: To conduct a media campaign at the SDE level to ensure statewide media coverage.

Agency	Activities	Timelines	Resources	Expected Outcomes
SDE	4.1 Statewide press releases from Superintendent of Education Kelly Nix pertinent to Child Search.	Sept., 1983 January, 1984 May, 1984	See Objective 1	Press releases in all major newspapers in Louisiana describing State and local Child Search activities.
SDE	4.2 Four newspaper articles for statewide release on Louisiana Child Search activities.	July, 1983 Sept., 1983 January, 1984 May, 1984		Continued attention through newspaper articles on Louisiana Child Search activities.
SDE	4.3 Continue to present Child Search policy statement in all SDE presentations in Louisiana. (An estimated 300 will be made).	Ongoing		Educators, parents, and citizens in attendance at workshops, conferences, etc. conducted by SDE Special Education personnel will learn about Child Search activities in Louisiana.
SDE	4.4 Maintain a toll-free telephone number for use in SDE and LEA media activities.	Ongoing		Toll-free telephone number can be used for any parent or interested citizen to call and request assistance or information regarding Child Search.
SDE	4.5 Request that, as appropriate, the members of the State Board of Elementary and Secondary Education include descriptions of Child Search in their speeches.	Ongoing		Additional parents and citizens will learn about Child Search activities through statements made by members of the Board of Elementary and Secondary Education.
SDE	4.6 Develop one major media thrust for the SDE utilizing billboards, T.V., and radio PSAs, talk shows and educational T.V.	April, 1984 April, 1985 April, 1986		Statewide attention to Child Search. Coordinated efforts with all LEAs.

CHILD SEARCH

Objective Five: To develop and implement a plan to insure that Native American populations in Louisiana are made aware of Child Identification Services available in the appropriate LEAs.

Agency	Activities	Timelines	Resources	Expected Outcomes
SDE	5.1 Hold meetings with the Director of Indian Affairs for Louisiana, pertinent to Child Search.	Ongoing	See Objective 1	It is expected that Child Search/ Identification efforts among the Indian populations in Louisiana will yield 12% incidence rate as documented by school systems.
LEA	5.2 Develop a plan with the appropriate Indian representatives to locate, identify and evaluate Indian students.	Ongoing		An organized plan to locate, identify and evaluate for appropriate services all eligible Indian students in Louisiana.
SDE	5.4 Regional Coordinator will visit school systems that have identified Indian populations to determine effectiveness of Child Search activities.	During school session.		Effective Child Search activities among Indian populations.

CHILD SEARCH

Objective Six: School systems will plan and conduct Child Search activities.

Agency	Activities	Timelines	Resources	Expected Outcomes
SDE	6.1 Each school system will submit Child Search plans for FY1984, 85, & 86 as part of the Local Application for Part B.	Due June 15, 1983, 84, 85		Each school system will have active on-going Child Search activities delineated for FY1984, FY1985, FY1986.
SDE	6.2 Revise Child Search plan per SDE review suggestions.	Revisions by July 15,		
SDE	6.3 Implement plans	Begin July 1, 1983, 84, 85		
SDE	6.4 Compile and maintain quarterly reports.	October January April July		SDE will maintain and analyze quarterly reports for improved services.
SDE	6.5 Designate a Child Search coordinator.	Ongoing		
SDE	6.6 Use Federal flow through funds for Child Search materials, supplies, and activities.	Ongoing		

NOTE: The activities in the previous six objectives will be repeated, expanded and/or modified for FY85 and FY86 based on the results of the annual evaluation report. Any significant additions will be noted by the Board of Elementary and Secondary Education and reported to the U.S. Office of Special Education and Rehabilitative Services.

V. Individualized Education Program

A. Statute on Individualized Education Program

Title 17 of the Louisiana Revised Statutes of 1950, section 1945, states:

"Parish and city school boards, state or nonpublic agencies or schools receiving public funds participating in the delivery of special education services to exceptional children shall maintain a written record of an individual education plan for each child according to the format furnished by the Department of Education, with the approval of its governing authority. These plans shall be reviewed periodically and updated at least annually. Information contained in the individual education plan or evaluation shall not be available to the public and shall be available to the professionals in need of such information in connection with the educational program and evaluation of the child subject to existing federal and state laws governing such information."

Further §446B. of the Regulations for Implementation of the Exceptional Children's Act states:

"Implementation of educational placement (determined by the development of the IEP) shall begin within 10 operational days following receipt by the school system of formal parental approval."

B. Individualized Education Programs (based on §300a.340-347 of P.L. 94-142 Regulations)

1. State Department of Education Responsibilities

a. Public Agencies

The State Department of Education shall ensure that each public agency develop and implement an individualized education program for each of its handicapped (exceptional) children.

b. Private Schools and Facilities

The State Department of Education shall ensure that an individualized education program is developed and implemented for each handicapped (exceptional) child who:

(1) is placed in or referred to a private school or facility by a public agency.

(2) is enrolled in a parochial or other private school and receives special education or related services from a public agency.

2. An individualized education program must be in effect for every handicapped (exceptional) child receiving special education from that agency:

a. at the beginning of each school year,

b. before special education and related services are provided to a child, and

c. implemented as soon as possible following the meetings under Section 3.

3. Meetings

a. General

Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising a handicapped (exceptional) child's individualized education program.

b. Handicapped (Exceptional) Children

A meeting must be held within 30 calendar days of determination that the child needs special education and related services.

c. Review

Each public agency shall initiate and conduct meetings periodically to review each child's individualized education program and, if appropriate, revise its provisions. A meeting must be held for this purpose at least once a year.

4. Participants in Meetings

General

The public agency shall ensure that each meeting includes the following participants:

a. a representative of the public agency, other than the child's teacher, who is qualified to provide, or supervise the provision of special education,

b. the child's teacher,

c. one or both of the child's parents subject to Section 5,

d. the child, when appropriate

e. other individuals at the discretion of the parent or agency, and

f. evaluation personnel.

For a handicapped (exceptional) child who has been evaluated for the first time, the public agency shall ensure that a member of the evaluation team participates in the meeting; or that the representative of the public agency, the child's teacher, or some other person, who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation is present at the meeting.

5. Parental Participation

a. Each public agency shall take steps to ensure that one or both of the parents of the handicapped (exceptional) child are present at each meeting or are afforded the opportunity to participate, including:

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend, and

(2) Scheduling the meeting at a mutually agreed on time and place.

b. The notice under paragraph (a) (1) of this section must indicate the purpose, time, and location of the meeting, and who will be in attendance.

c. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

d. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place such as:

(1) detailed records of telephone calls made or attempted and the results of those calls,

(2) copies of correspondence sent to the parents and any responses received, and

(3) detailed records of visits made to the parents home or place of employment and the results of those visits.

e. The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

f. The public agency shall give the parent a copy of the individualized education program.

6. Content of Individualized Education Program

The individualized education program for each child must include:

a. a statement of the child's present levels of educational performance;

b. a statement of annual goals, including short-term instructional objectives;

c. a statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs;

d. the projected dates for initiation of services and the anticipated duration of the services; and

e. appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

7. Private School Placements

a. Developing Individualized Education Programs

(1) Before a public agency places a handicapped (exceptional) child, or refers a child to a private school or facility, the agency shall initiate and conduct a meeting to develop an individualized education program for the child in accordance with Section 3.

(2) The agency shall ensure that a representative of the private school facility attends the meeting. If the representative cannot attend, the agency shall use other methods to ensure participation by the private school or facility, including individual or conference telephones calls.

b. Reviewing and Revising Individualized Education Programs

(1) After a handicapped (exceptional) child enters a private school or facility, any meetings to review and revise the child's individual education program may be initiated and conducted by the private school or facility at the discretion of the public agency.

(2) If the private school or facility initiates and conducts these meetings, the public agency shall ensure that the parents and an agency representative:

(a) are involved in any decision about the child's individualized education, and

(b) agree to any proposed changes in the program before those changes are implemented.

c. Responsibility

Even if a private school or facility implements a child's individualized education program, responsibility for compliance with this part remains with the public agency and the State Department of Education.

8. Handicapped Children in Parochial or Other Private Schools (Voluntarily enrolled)

If a handicapped (exceptional) child is enrolled in a parochial or other private school and receives special education or related services from a public agency, the public agency shall:

a. initiate and conduct meetings to develop, review, and revise an individualized education program for the child in accordance with Section 3; and

b. ensure that a representative of the parochial or other private school attends each meeting. If the representative cannot attend, the agency shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

VI. Procedural Safeguards

A. Policy on Procedural Safeguards

The State of Louisiana Board of Elementary and Secondary Education establishes the following procedural safeguards for handicapped (exceptional) children and their parents with respect to the provision of a free, appropriate public education. Such safeguards are met and implemented by each educational agency.

B. Due Process Procedures for Parents and Children

Consent means that the parent has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication. The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

Evaluation means procedures used in accordance with P.L. 94-142 300a.530-300a.534 to determine whether a child is handicapped (exceptional) and the nature and the extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade, or class.

Personally identifiable includes the following information:

1. the name of the child, the child's parent, or other family member,
2. the address of the child,
3. a personal identifier, such as the child's social security number or student number, and
4. a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Public agency includes the State educational agency, local educational agencies, intermediate

educational units, and any other political subdivisions of the State that are responsible for providing education to handicapped (exceptional) children.

C. General Responsibility of Public Agencies

The Louisiana Department of Education ensures that each public agency establishes and implements procedural safeguards that meet the requirements of 300a.500 - 300a514 of the Part B Regulations for P.L. 94-142 (Sections 1-14 in this plan).

D. Opportunity to Examine Records

The parents of a handicapped (exceptional) child shall be afforded, in accordance with the procedures in 300a.562 - 300a.569 of the Part B regulations, an opportunity to inspect and review all education records with respect to:

1. the identification, evaluation, and educational placement of the child, and

2. the provision of a free, appropriate public education to the child.

E. Independent Educational Evaluation

General

1. The parents of a handicapped (exceptional) child have the right under this policy to obtain an independent educational evaluation of the child, subject to paragraphs b. through e. of this section.

2. Each public agency shall provide to parents, on request, information about where an independent educational evaluation may be obtained.

3. For the purposes of this part:

   a. "Independent educational evaluation" means and evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.

   b. "Public expense" means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the

parent consistent with 300a.301 of subpart C.

Parental Right to Evaluation at Public Expense

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. However, the public agency may initiate a hearing under Section 6 of this part to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent education evaluation, but not at public expense.

Parent Initiated Evaluations

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

(1) must be considered by the public agency in any decision made with respect to the provision of a free, appropriate public education to the child, and

(2) may be presented as evidence at a hearing under this subpart regarding that child.

Requests for Evaluations by Hearing Officers

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

Agency Criteria

Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation.

F. Prior Notice--Parental Consent

Notice

Written notice that meets the requirements under Section 5 must be given to the parents of a handicapped (exceptional) child a reasonable time before the public agency:

1. proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child, or

2. refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child.

Consent

Parental consent must be obtained before:

1. conducting a preplacement evaluation, and

2. initial placement of a handicapped (exceptional) child in a program providing special education and related services.

Except for preplacement evaluation and initial placement, consent may not be required as a condition of any benefit to the parent or child.

Procedures in Which Parent Refuses Consent

Louisiana State law requires parental consent before a handicapped (exceptional) child is evaluated or initially provided special education and related services.

If the school system wishes to override the parental decision to withhold a formal written approval for evaluation or initial placement in special education, the school system may appeal to the appropriate State court within the time prescribed by State law.

The school system may act without parental consent only if the results of civil court action allow the school system to do so.

G. Content of Notice

1. The notice under Section 4 must include the following:

   a. a full explanation of all of the procedural safeguards available to the parents under subpart E of the P.L. 94-142 regulations;

   b. a description of the action proposed or refused by the agency, an explanation of

why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;

c. a description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and

d. a description of any other factors that are relevant to the agency's proposal or refusal.

2. The notice must be:

a. written in language understandable to the general public, and

b. provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

3. If the native language or other mode of communication of the parent is not a written language, the State or local educational agency shall take steps to ensure:

a. that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication,

b. that the parent understands the content of the notice, and

c. that there is written evidence that the requirements in paragraph 3.,a. and b. of this section, have been met.

H. Impartial Due Process Hearing (§509 of Regulations for Implementation of the Exceptional Children's Act)

1. A school system or a parent of an exceptional child or a child suspected of being an exceptional child may initiate a hearing whenever a school system:

a. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child.

b. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child.

COMMENT:

This section does not apply to the denial or withdrawal of formal parental approval.

2. A school system initiates a hearing by providing full and effective notice of their intent to initiate a hearing to the parent and to any affected public or nonpublic school personnel. Full and effective notice of a hearing shall include all of the following:

   a. A statement of the date, time, place, and nature of the hearing.

   b. A statement of legal authority and jurisdiction under which the hearing is to be held.

   c. A reference to the particular sections of the statutes or regulations over which the dispute originated.

   d. A short and clear statement of matters asserted.

3. A parent initiates a hearing by sending a written request for the hearing to the parish supervisor.

4. A school system shall inform the parent of any free or low-cost legal and other relevant services available in the area if:

   a. The parent request the information.

   b. The parent or the school system initiates a hearing under this section.

I. <u>Hearing Officer Appointment and Designation (§510 of Regulations for Implementation of the Exceptional Children's Act)</u>

1. Appointment of Hearing Officers

The Department shall maintain a separate list of at least three qualified hearing officers

for each state planning region. (Hearing officers are attorneys licensed to practice in Louisiana. Hearing officers may not be employed by an agency involved in the care or education of the child nor may they be school board officials.) Before placing the name of any person on any such list, the Department must ensure that the person has successfully completed an inservice training program approved by the Department. Additional inservice training shall be provided by the Department whenever warranted by changes in applicable legal standards or educational practices.

a. Hearing officers must be impartial persons knowledgeable about the legal and educational issues involved in assessing compliance with these Regulations.

(1) The Department must annually review the activities of persons on the list and must remove such persons from the list if they leave the State, decline to participate actively in the hearing process, cease to be impartial, or do not carry out their responsibilities in a satisfactory fashion.

(2) No person may be appointed to serve as hearing officer who has a personal or professional interest that would conflict with his or her objectivity.

b. Appointments will be for a period of three years and may be renewed.

2. Hearing Officer Designation

a. A proposed hearing officer must be selected by the parish supervisor within one operational day of receipt of a request for a hearing from the list for the region in which the school system is located or an adjacent region.

b. After selecting a proposed hearing officer, the parish supervisor must, within three operational days, give the parent(s) full and effective notice of the name of the proposed hearing officer.

c. The parent may, upon receiving notice of the proposed hearing officer and at the parent's discretion, automatically disqualify (available only once) the person proposed by the parish supervisor or request that staff of the Office determine whether the person so designated is impartial. The parent must notify the parish supervisor of such a decision within five operational days from receiving notice of the name of the proposed hearing officer.

d. The Office shall review any written challenge regarding the impartiality of a proposed hearing officer, and:

(1) Provide a written decision within five operational days after receipt of the written challenge.

(2) Provide full and effective notice of this decision to the parent and parish supervisor within three operational days after completion of the review.

(3) If the Office determines that doubt exists as to whether the proposed hearing officer is truly impartial, a new proposed hearing officer must be immediately selected by the parish supervisor.

e. If the parent chooses to automatically disqualify the proposed hearing officer (available only once) either directly or following a decision by staff of the Office, the parish supervisor must, within three operational days, select another person from the relevant lists to serve as a hearing officer. The person so selected shall serve in the capacity unless the parent successfully demonstrates to the staff of the Office that the person so selected is not impartial, whereupon the parish supervisor must select another person the relevant lists.

f. Final designation of a hearing officer occurs whenever a proposed hearing officer is selected by the parish supervisor and the parent fails to notify the parish supervisor of a decision to challenge the impartiality of the proposed hearing offi-

cer or of a decision to automatically disqualify the proposed hearing officer (available only once), or when the Office determines that no doubt exists as to the impartiality of a proposed hearing officer.

J. Hearing Procedures (§511 of the Regulations for Implementation of the Exceptional Children's Act 754)

1. A hearing must be conducted by the school system at a time and place that is reasonably convenient to the parents and the child.

2. A hearing shall be conducted in accordance with guidelines developed by the Department with approval of the State Board.

3. Parties to a hearing have the right to:

   a. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of exceptional children.

   b. Present evidence and confront, cross-examine, and compel the attendance of witnesses.

   c. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five operational days before the hearing.

   d. Obtain a written or electronic verbatim record of the hearing.

   e. Obtain written findings of fact and decision. (The findings are then forwarded to the State Advisory Council for P.L. 94-142.)

4. Parents involved in hearings must be given the right to:

   a. Have the child who is the subject of the hearing present.

   b. Open the hearing to the public.

5. Affected public and nonpublic school personnel shall have the right to:

a. Receive a proper notice.

b. Submit a written statement.

c. Appear at the hearing.

d. Present a brief oral statement.

6. The hearing decision must be reached and a copy mailed to each party and the Department not later than 45 calendar days after the final designation of a hearing officer unless a specific extension of time, requested by a party, is granted by the hearing officer for good cause shown. When an extension is granted, the hearing officer shall reach his decision and mail copies to the parties and the Department not later than 10 operational days from the termination of the hearing. In each circumstance the Department shall delete any personally identifiable information in the findings and decision and transmit those to the State Advisory Council.

7. A decision made in the hearing is final unless an appeal is taken by either party or the State Board initiates a review in accordance with §513 D.

K. Costs (§512 of the Regulations for Implementation of the Exceptional Children's Act)

1. School systems must, upon request, reimburse any affected public school personnel for the reasonable expenses related to participation in a hearing required under this Part (according to school system policy) and for furnishing legal counsel.

2. In addition, Special School District Number 1 and State Board Special Schools must, upon request, reimburse parents for the reasonable travel expenses (according to State reimbursement rates) that are reasonably related to participation in a hearing required under this Part.

L. Review of Hearing Decisions (§513 of the Regulations for Implementation of the Exceptional Children's Act)

1. Any party to a hearing may appeal within 15 operational days after receipt of the hearing

decision by requesting a formal review of the decision by the Review Panel.

2. A written request for review must be sent by the party seeking review by certified mail to the Office. A copy of the request must also be sent to all parties and to the hearing officer.

3. The written request must state the basis upon which the review is requested.

4. The Review Panel may, on its own authority, initiate a review of any hearing decision. In such instance, it must provide full and effective notice to the parent(s), the affected school system, and the hearing officer.

M. Appointment of Review Panel (§514 of Regulations for Implementation of the Exceptional Children's Act)

1. The State Board shall appoint a panel of persons to serve as officers to evaluate and judge appeals of hearing decisions. The Review Panel will include three persons and one alternate who are all presently serving as independent hearing officers. All panel members will be knowledgeable about the educational and legal issues involved. Appointments will be for a period of one year and may be renewed.

2. Upon receiving a formal written request for a review, the Office shall, within 10 operational days, notify the Review Panel to evaluate the hearing decision, the hearing record, and other appropriate information.

3. A decision by two review officers on the panel reviewing a particular appeal will be controlling as to the panel's ruling on that appeal.

4. No person may serve on the panel reviewing an appeal if the person has a personal or professional interest that would conflict with his objectivity. A review officer shall not serve on the panel reviewing an appeal that involves a local school system by which the officer is employed.

N. Conduct of Review (§515 of Regulations for Implementation of the Exceptional Children's Act)

1. The review and written findings and decision shall be completed within 30 calendar days from the date the review panel receives hearing record and decision.

2. In conducting the review, the panel shall perform the following:

   a. Examine the entire hearing record to:

      (1) Ensure that procedures were consistent with the requirements of due process,

      (2) Determine if there are facts to support the hearing decision, and

      (3) Ensure that the decision made by the hearing officer was within the authority of the hearing officer.

   b. See any additional evidence necessary.

   c. Afford the opportunity for oral and/or written argument by the parties at the discretion of the reviewing panel. Any written argument(s) shall be submitted to all parties.

3. All parties have the right to continue to be represented by counsel at the State administrative review level, whether or not the reviewing panel determines that a further hearing is necessary.

O. Review Decision (§516 of the Regulations for Implementation of the Exceptional Children's Act)

1. Based upon the conduct of the review, the review panel may decide to:

   a. Affirm the hearing decision.

   b. Overrule the hearing decision and enter a new decision.

   c. Order the initiation of a new hearing.

2. Within 30 operational days from receipt of the hearing record, the review panel will issue a formal written review decision that either

affirms the decision, overrules the hearing decision and substitutes a decision approved by the review panel, or orders the initiation of a new hearing.

3. The Office shall distribute a copy of written findings and decision to the parties and to the State Board.

P. Appeal (§517 of the Regulations for Implementation of the Exceptional Children's Act)

The decision made by the review panel shall be final unless a party brings a civil action within 30 operational days of the decision.

Q. Child's Status during Proceedings (§518 of the Regulations for Implementation of the Exceptional Children's Act)

1. During the pendency of any hearing procedure or review of judicial proceeding, unless the school system and the parents of the child agree otherwise, the child enrolled in the proceedings must remain in his or her present educational placement.

COMMENT:

If the exceptional child is currently voluntarily enrolled as defined in these Regulations, the school system is not responsible for programmatic of fiscal maintenance of that voluntary placement.

2. If the hearing procedure, review, or judicial proceeding involves an application for initial admission to any school system, the child, with formal parental approval, must be placed in the public school program of the school system responsible for the placement until the completion of all the proceedings.

R. Intimidation and Coercion (§519 of the Regulations for Implementation of the Exceptional Children's Act)

No school system, approved nonpublic school program or other agency to which these Regulations are applicable shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege protected by these Regulations, the Act, or any

Federal statute or regulations relating to the education or civil rights of exceptional children, or because the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted pursuant to these Regulations.

S. Confidentiality of Complainants (§520 of the Regulations for Implementation of the Exceptional Children's Act)

The identity of complainants must be kept confidential except to the extent necessary to carry out the purposes of this Part including the conduct of any investigation, hearing, or judicial proceeding.

T. Surrogate Parents (§507 of the Regulations for Implementation the Exceptional Children's Act)

1. A school system shall assign a surrogate parent whenever it determines that one of the following situations exists:

   a. That the child is a ward of the State (including a ward of a court, or of a State agency).

   b. That it is unable to locate a natural parent or legal guardian by calls, visits, and by sending a letter by certified mail (return receipt requested) to the last known address of the natural parent or the legal guardian and allowing 20 operational days for a response of the intention to appoint a surrogate parent.

2. A person with whom the child is residing, who is not the natural parent or the legal guardian but who is acting as the parent of that child, and is qualified as a parent as defined in these Regulations, may be appointed by the school system as a surrogate parent if that person meets the criteria for being a surrogate parent.

3. A surrogate parent shall represent the child in all matters relating to the identification, individual evaluation, and educational placement of the child and the provision of a free, appropriate public education including being present at a meeting to interpret, to develop and conduct an annual review of an IEP, and at any hearing concerning the child.

4. A method for determining whether a child needs a surrogate parent and for assigning a surrogate parent must be developed and implemented by each school system in a manner that ensures that:

   a. A person assigned as a surrogate parent has no interest that conflicts with the interests of the child and is not a present employee of any State or State supported agency involved in the education or care of the child.

   b. The person assigned has knowledge and skills that ensure adequate representation of the child.

   c. All surrogate parents who cease to carry out the responsibilities or no longer meet the criteria of eligibility specified in (b) above, are removed from eligibility.

5. Payment of fees for service as a surrogate parent does not, in and of itself, render a person an employee.

6. Any person appointed as a surrogate parent is protected by the "limited liability" of LRS 17:1958.

7. Disagreement about the choice of a surrogate parent may be the subject of a due process hearing as described in this Part.

U. Conciliation (§508 of the Regulations for Implementation of the Exceptional Children's Act)

Whenever a parent has a complaint regarding identification, evaluation, and the provision of a free, appropriate public education, school systems shall make all reasonable efforts consistent with their obligations under these Regulations to resolve informally any ongoing dispute between the parent and the school system. However, parents may file a formal complaint with the Office of Special Educational Services at any time.

VII. Least Restrictive Environment (612(5)B)

A. Policies and Procedures on Least Restrictive Environment

R.S. 17:1946 (A)(B) provides that..."the Department of Education, in accordance with the policies of its governing authority, shall approve alternative education settings in which special education programs shall be conducted including: the regular classroom, the regular classroom with consultation, regular classroom with resource teacher, regular classroom with itinerant resource teacher, self-contained special classroom with part-time instruction in regular class, self-contained special class regular campus, self-contained class in a nonpublic day school facility, public residential school, private residential school, and homebound/hospital programs, or any approved combination thereof.

Exceptional children who receive education in special classes, special schools, or other settings removed from the regular educational environment shall be so placed only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The Department of Education, with the approval of its governing authority, shall prepare and administer a clear statement of regulations in regard to the least restrictive placement of exceptional children in the aforementioned alternative educational settings. Placement in the least restrictive environment shall take into consideration the potential effect on exceptional children or the reduction in the quality of special education and related services."

B. Least Restrictive Environment (based on §300a.550-556 of P.L. 94-142 Regulations)

1. General

a. The State Department of Education shall ensure that each public agency establishes and implements procedures that meet the requirements of §300a.550-556 (described in Sections 1-7).

b. Each public agency shall ensure:

(1) that to the maximum extent appropriate, handicapped (exceptional)

children in public or private institutions or other care facilities are educated with children who are not handicapped, and

(2) that special classes, separate schooling or other removal of handicapped (exceptional) children from the regular educational environment occurs only when the nature or severity of the handicap (exceptionality) is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

2. Continuum of Alternative Placements

a. Each public agency shall ensure that a continuum of alternative placement is available to meet the needs of handicapped (exceptional) children for special education and related services.

b. The continuum required under paragraph (a) of this section must:

(1) include alternative placements such as instruction in regular classes, special classes, special schools, physical education, home instruction, and instruction in hospitals and institutions, and

(2) make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

3. Placements

a. Each public agency shall ensure that each handicapped (exceptional) child's educational placement:

(1) is individually determined,

(2) is determined at least annually,

(3) is based on his or her individualized education program, and

(4) is as close as possible to the child's home.

b. The various alternative placements included under Section 2 are available to the extent necessary to implement the individualized education program for each handicapped (exceptional) child.

c. Unless a handicapped (exceptional) child's individualized education program requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped (exceptional).

d. In selecting the least restrictive environment, one must consider any potentially harmful effect on the child or on the quality of services which he or she needs.

4. Nonacademic Settings

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in Section 300a.306 of Subpart C of the P.L. 94-142 regulations, each public agency shall ensure that each handicapped (exceptional) child participate with nonhandicapped children in those services and activities to the maximal extent appropriate to the needs of the child.

5. Children in Public or Private Institutions

The State Department of Education shall make arrangements with public and private institutions (such as a memorandum of agreement, special implementation procedures, or interagency agreements) as may be necessary to assure that Section 1 is effectively implemented.

6. Technical Assistance and Training Activities

The State Department of Education shall carry out activities to ensure that teachers and administrators in all public agencies:

a. are fully informed about their responsibilities for implementing Section 1, and

b. are provided with technical assistance and training necessary to assist them in this effort.

To ensure that teachers and administrators are informed of their responsibilities under this part and are provided technical assistance and training, the following steps have been undertaken.

(1) During fiscal year 1978, all administrators of programs for special education students received copies of P.L. 94-142, R.S. 17:1941 et seq.,, and Section 504 of P.L. 93-112. These administrators included those from school systems public residential schools, nonpublic schools, and other service agencies (corrections, mental health, mental retardation). As annual monitoring is conducted, verification is made that all pertinent Federal and State laws and regulations are or have been disseminated and are available at the central office as well as at the school building level.

(2) An administrator's workshop is conducted each summer by the State Department of Education. Emphasis in the workshop is on placing handicapped children in the least restrictive environment and the dissemination and discussion of the provisions of Bulletin 1706 and other applicable State policies, procedures, and standards. At each workshop the administrators are strongly encouraged to provide opportunities for their staff to become knowledgeable about LRE and other pertinent concepts.

(3) The SDE offers inservice support regarding LRE through four channels. First, eight regional coordinators conduct inservice training for regular and special teachers and administrators as requested by the school system they serve. Each coordinator conducts at least 50 workshops per year. Second, program specialists at the SDE respond to school system's requests for inservice training and also organize regional and statewide workshops for regular teachers who may have handicapped students in their classes.

Third, Special School District #1 personnel provide inservice training for administrators and teaching personnel in residential settings. Fourth, the Office of Special Educational Services has developed a training packet on mainstreaming (with video tapes) that will be used statewide to assist building level personnel in more effectively meeting needs of handicapped students in the least restrictive environment.

7. Data on Least Restrictive Environment

Table II in the Annual Data Report contains information on the number of handicapped children who reside in Louisiana, are within each disability category and participating in regular education programs, as well as the number who are in separate classes, separate school facilities, or who are otherwise removed from the regular educational environment.

VIII. Protection in Evaluation Procedures

A. Policy on Protection in Evaluation Procedures (based on §300a.530-534 of P.L. 94-142 Regulations)

1. General

a. The State Department of Education shall ensure that each public agency establishes and implements procedures that meet the requirements of sections 2-5.

b. Testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped (exceptional) children must be selected and administered so as to not be racially or culturally discriminatory.

2. Placement Evaluation

Before any action is taken with respect to the initial placement of a handicapped (exceptional) child in a special education program, a full and individual evaluation of the child's educational needs must be conducted in accordance with the requirements of section 3.

3. Evaluation Procedures

The State Department of Education and local educational agencies shall ensure, at a minimum, that:

a. Tests and other evaluation materials

(1) are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so,

(2) have been validated for the specific purpose for which they are used, and

(3) are administered by trained personnel in conformance with the instructions provided by their producer.

b. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single measure of general intelligence.

c. Tests are selected and administered so as to best ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude, achievement level, or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors which the tests purports to measure).

d. No single procedure is used as the sole criterion for determining an appropriate educational program for a child.

e. The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability (or condition).

f. The child is assessed in all areas related to the suspected disability (or condition), including where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

4. Placement Procedures

a. In interpreting evaluation data and in making placement decisions, each public agency shall

(1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

(2) ensure that information obtained from all of these sources is documented and carefully considered;

(3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(4) ensure that the placement decision is made in conformity with the least restrictive environment rules in 300a.550 - 300a.554 of the P.L. 94-142 regulations and in Louisiana's FY1979 Amended Annual Program Plan, Section VIII.

b. If a determination is made that a child is handicapped (exceptional) and needs special education and related services, an individualized education program must be developed for the child in accordance with 300a.340 - 300a.349 of Subpart C of the P.L. 94-142 regulations and the Regulations for the Implementation of the Exceptional Children's Act, Bulletin 1706.

5. Re-evaluation

Each State Department of Education and local education agency shall ensure:

a. That each handicapped child's individualized education program is reviewed in accordance with 300a.340 -300a.349 of Subpart C of the P.L. 94-142 regulations and Bulletin 1706; and

b. That an evaluation of the child, based on procedures that meet the requirements under Section 3, is conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation.

IX. Comprehensive System of Personnel Development

A. Introduction

Scope of the Comprehensive System of Personnel Development (CSPD)

The State of Louisiana has established procedures to ensure that all personnel necessary to carry out the purposes of P.L. 94-142 are qualified and that sufficient activities to carry out this plan are scheduled. The CSPD in the State of Louisiana will be administered under the direction of the Office of Special Educational Services (OSES) of the State Department of Education (SDE). The CSPD includes the preservice and inservice needs of general and special education administrators and instructional personnel, paraprofessionals, and related service and support personnel. The training and retraining needs of these groups comprise a major focus for the expenditure of Part B and Part D funds received by Louisiana under P.L. 94-142. The development, implementation, evaluation, and ongoing modification of the CSPD will provide the structure necessary to ensure the appropriate quality and quantity of such activities. Through this mechanism, all handicapped students in Louisiana will receive appropriate educational opportunities. This process is described in the following sections:

Section I: Input and Implementation

In developing the Comprehensive System of Personnel Development Plan, the SDE, public and private institutions of higher education, school systems, parent groups, advocacy groups, and other organizations were involved. They had opportunities to provide input through review of the Special Education Program Plan, participation in public hearings, participation in the CSPD Committee and other committee activities, and through direct contact. These same groups will have similar opportunities to participate in the implementation of the plan.

Section II: Needs Assessment

Data about the needs for personnel training were collected from

1. annual updating of the manpower study,

2. evaluation reports of 1981-82 training activities,

3. in-depth monitoring reviews of school systems, Special School District #1 (SSD#1), and State Board Special Schools,

4. analysis of annual school reports,

5. analysis of school system applications for P.L. 94-142 funds, and

6. statewide inservice needs assessment conducted during 1981.

From the needs assessment data, priority training needs were identified and related to specific target groups by the CSPD Committee. The needs assessment information provides the basis of the CSPD Plan.

Section III: Inservice Development Plan

From the identified needs, long-range goals and 1984-86 program objectives were established. For each training objective, general implementation strategies were developed. Specific training activities were identified to implement the strategies and achieve the training objectives as well as the resources and incentives. A wide range of training activities is to be conducted during 1984-86. These activities will involve school boards, general instructional administrators and supervisors, vocational education supervisors, and principals. Targeted classroom teachers include those in regular instruction, special education, vocational education, and adaptive physical education. Psychologists, assessment teachers, speech-language therapists and pathologists, occupational therapists, physical therapists, parents, surrogate parents, paraprofessionals, volunteers, representatives of other service agencies, and SDE personnel will also be trained.

Section IV: Preservice Personnel Development Plan

Since preservice training is the concern of institutions of higher education (under the Board of Regents), the development of needed preservice training programs will be accomplished through dialogue between the Board

of Elementary and Secondary Education and the Board of Regents at biannual meetings. Preservice training priorities were established through the public input process and by the CSPD Committee.

Section V: Dissemination and Adoption

Within the State Department of Education is the Office of Research and Development. This Office has the primary responsibility for acquiring information about significant educational research, demonstration projects, promising practices, and new materials. Information is disseminated about programs and practices through the eight regional SDE coordinators located in planning regions throughout the State. Dissemination activities conducted under P.L. 94-142 will be correlated with other dissemination activities, e.g. Louisiana Dissemination Network and Title IV Facilitation Project.

Section VI: Evaluation of Training Activities

Procedures used to evaluate the effectiveness of the CSPD include the use of a third-party evaluator to measure the effectiveness of inservice training activities, an analysis of the annual updating of the Manpower Study to determine if preservice activities are being carried out, and an analysis of the Annual School Reports to determine the number of uncertified teachers. The CSPD Committee will address the needs identified through each of these evaluation procedures.

B. Input and Implementation

1. Description of Strategies Used in Developing the Comprehensive System for Personnel Development

The State of Louisiana, Department of Education, has undertaken activities to ensure that all public and private institutions of higher education, other agencies and organizations, and representatives of organizations of parents of the handicapped have the opportunity to participate in the development, review, and annual updating of the CSPD.

First, all school systems, nonpublic special schools, all public and nonpublic institutions of higher education, major human service agencies, parent groups, groups of handicapped individuals and advocacy groups received copies of the approved FY81-83 Special Education Program Plan. These same agencies and groups were notified by letter of a series of public hearings to be held at three sites throughout the State relative to the development and review of the FY84-86 Special Education Program Plan, with emphasis on the CSPD. Their participation was encouraged, since it was vital to the development of a system reflecting statewide concerns.

Second, a CSPD committee was appointed by the Superintendent of Education. Members of this committee represented the SDE, school systems, institutions of higher education, special educators, regular educators, advocacy groups, parents of handicapped children, other service agencies, and private providers.

2. Description of the Nature and Extent of Participation by the Groups

   a. The following groups received notification of the public hearings relative to the development and review of the FY84-86 Special Education Program Plan:

      (1) All school superintendents and supervisors of special education, deans of the colleges of education;

      (2) Public and nonpublic colleges and universities;

      (3) Parent groups (e.g., ARC, ACLD), advocacy groups, and groups of handicapped individuals;

      (4) Directors of nonpublic special education programs and special schools;

      (5) Teachers of special and regular education; and

      (6) Human Service Agencies.

At each of the three hearings, the CSPD for FY84-86 was reviewed and comments and questions

were requested relative to current needs within the State. Both preservice and inservice needs for special educators, regular administrative and instructional staff, related service personnel and parents were the topics of the comments taken. (All hearings were recorded and the tapes, attendance rosters, and summary of comments are available at the SDE.)

More than 100 persons attended the hearings including representatives of public and nonpublic colleges and universities, school systems, regular and special educators, advocacy groups, parents' organizations, human service providers, and interested citizens. Concurrently, the CSPD Committee (including representatives of institutions of higher education, school systems, and advocacy and parent groups) reviewed the FY84-86 CSPD, current needs assessments and the results of the public hearings. Based on these data, recommendations were made for revising the FY84-86 CSPD section of the Special Education Program Plan with priority assigned to both preservice and inservice training needs.

After these needs were reviewed, the FY84-86 CSPD was revised. The FY84-86 Special Education Program Plan was also available at eight locations statewide for a 30-day review and comment period. For FY84 and FY86 a series of review activities will be conducted to review the CSPD and to determine needed modifications. These activities will include a review of analysis of on-site administrative review reports and an analysis of needs assessment data collected from school system personnel and representatives of parent/advocacy and professional organizations. This information will summarized into an annual report that will be provided to the CSPD committee. The committee will make recommendations for modifications based upon their information.

The committee meets four times each year to:

(1) Advise OSES on procedures used to conduct annual manpower study,

(2) Review results of annual manpower study and other needs assessment data,

(3) Assist OSES in developing the OSES CSPD plan which specifics preservice and inservice priorities and dissemination procedures,

(4) Assist OSES in implementation of specified CSPD plan activities, and

(5) Review and evaluate effectiveness of the CSPD plan and, if necessary, assist OSES in modification of the plan.

If these activities result in significant modifications to the FY85 or FY86 Special Education Program Plan, notification of such modifications will be sent to the Board of Elementary and Secondary Education for approval and then forwarded to the U.S. Department of Education for review and approval.

3. Responsibilities of the SDE, LEAs, Institutions of Higher Education (IHE) and Other Agencies in Personnel Development:

The State Department of Education developed the Comprehensive System for Personnel Development in conjunction with school systems, IHEs, and other agencies and groups as described above.

This plan was submitted to the Board of Elementary and Secondary Education (BESE) for its review. The BESE review process includes a formal request for consumer input through the P.L. 94-142 State Special Education Advisory Council, as well as a 30-day period for public comment under the Board's direction. With this input, the CSPD was modified as necessary and adopted as policy and procedure for Louisiana FY84-86.

The approved FY84-86 CSPD will be shared by the BESE Special Education Committee with the Board of Regents in their constitutionally mandated biannual meetings. Each board will then respond to and implement this within its respective jurisdiction.

Copies of the approved FY84-86 Special Education Program Plan (including the CSPD) will be sent to all of the groups mentioned in Part A to assist them in implementing its provisions. The following narrative describes input and implementation responsibilities.

The SDE, IHEs, school systems, other agencies and parents and advocacy groups in both public hearings and through representation on the CSPD committee delineated perceived preservice and inservice training needs. Under the Louisiana constitution, the BESE can make preservice recommendations and set certification requirements, but the Board of Regents has authority over all preservice programs in IHEs. In response to the ranked needs presented by the CSPD Committee and recommended by the BESE at the joint meeting of the BESE and the Board of Regents, the IHEs are responsible for modifications, expansion, deletion or adoption of preservice training programs.

Inservice needs as perceived by the LEAs, SDE, IHEs, and other agencies are presented to the CSPD Committee with each group having an opportunity to present appropriate data and concerns. CSPD Committee recommendations are incorporated into the FY84-86 Special Education Program Plan.

Implementation of activities to meet inservice needs is the primary responsibility of the SDE and school systems. The SDE is responsible for initiating training programs for regular educators, support and related service personnel, and instructional personnel who serve low incidence groups and/or require very specialized training. Louisiana SDE has also assumed primary responsibilities for the training of surrogate parents and hearing officers as well as for supportive training of parents.

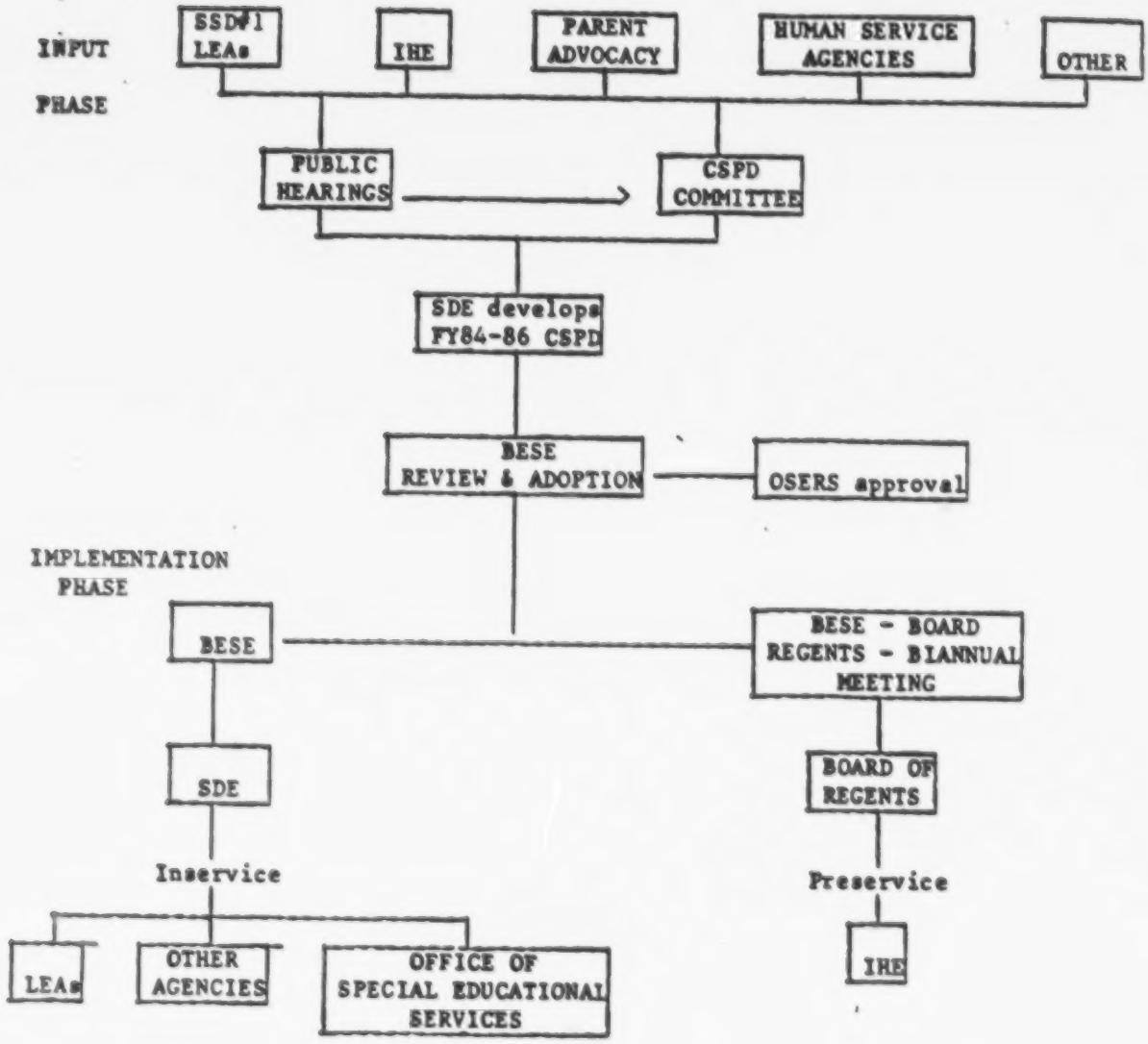
The school systems are responsible for the provision of inservice training to all special education and supportive staff in basic administrative and programmatic areas (i.e., procedural safeguards, IEPs, Child Search, evaluation procedures, and least restrictive environment).

Figure 1 on the next page describes both input and implementation responsibilities of various groups and agencies.

Figure 1

COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

INPUT AND IMPLEMENTATION



C. Needs Assessment

1. Goal of Needs Assessment

The overall objective of the annual needs assessment is to determine the personnel training needed to ensure all handicapped children in the State of Louisiana a free, appropriate public education. Answers to the following specific questions were sought:

a. How many and what kinds of personnel - general instructional, special educational, administrative and support, surrogate parents, volunteers, and paraprofessional - are needed to provide full educational opportunities to all handicapped children in Louisiana?

b. How many and what types of personnel require preservice training in specified areas?

c. How many and what types of personnel need inservice training to increase their knowledge and improve their skills in providing services to handicapped children?

d. What knowledge and skills are needed by the personnel targeted for inservice training programs?

2. Procedures

To determine the personnel training needs in Louisiana, data were collected from several sources and studies. These data sources are enumerated below.

a. During the 1981-82 school year, the Louisiana Manpower Needs Assessment in Special Education was updated by the SDE, Office of Special Educational Services. The Manpower Needs Assessment draws data from all public and nonpublic IHEs on various elements. Included are the number of teachers in regular education elementary and secondary programs seeking special education certification, the number of students in undergraduate special education programs, and the area of certification sought (including administrative). The number in training programs for physical

and occupational therapists and psychologists is also determined. Also, school systems are requested to submit the attrition rate of special education teachers in the field.

b. A third-party evaluator was used to evaluate the effectiveness of the FY81 and FY82 part D training programs. Information from this evaluation report was used to identify continuing and new training needs with emphasis on general and special instructional personnel and parents.

c. During the 1981-82 school year, the State Department of Education conducted indepth monitoring reviews of the special education programs in one-third of all school districts in the State and compliance review visits to the one-third visited the previous year. Additionally, all educational facilities serving a handicapped population, ages 0-21 years, within the Department of Health and Human Resources and/or the Department of Corrections were monitored. During the monitoring, compliance review, and program review visits each system's inservice needs assessment data and subsequent training activities are closely reviewed. Major gaps or weaknesses are noted in the document of findings sent to the system's superintendent, and a compliance response is required.

d. Annual School Reports submitted for school approval to the SDE include data on the number of general instructional and support personnel, special educational instructional and related service personnel, administrators, and paraprofessionals. Information on certification is also available. An annual report that summarizes these data is compiled.

e. Annual data from school system's performance reports for P.L. 94-142 contain information on the number of general and special educational instructional personnel trained as well as training priorities. These reports are compiled and summarized for use by the SDE.

4. Summary of Data

a. The number of qualified personnel now available is summarized from the needs assessment data and presented below in Column 1. Column 2 contains the projected number of personnel needed for FY86, and Column 3 represents the number of new personnel required.

	FY 1983	FY 1986	NUMBER PERSONNEL NEEDED
General Educational			
Instructional	34,749	36,486	1,737
Administrative	2,289	2,350	111
Support Personnel	2,501	2,626	125
Special Educational			
Instructional	8,783	10,100	1,317
Administrative	325	373	48
Support Personnel	660	759	99
Related Service	3,259	3,747	488

Instructional - teachers and classroom aides
Administrative - principals, assistant principals, supervisors
Support Personnel - guidance counselors, librarians, diagnostic personnel, curriculum specialists
Related Service - social workers, psychologists, occupational and physical therapists, speech and language therapists

---

b. Personnel Requiring Retraining

An analysis of the number of new personnel required indicated that 95 percent of the regular educators and only 85 percent of the special educational, instructional, support, and related service personnel needed will be available from Louisiana colleges and universities.

Several methods will be utilized to acquire additional personnel, including recruiting from other states. Because of widely varying educational backgrounds, these persons will require either extensive retraining and/or recertification activities.

Another means of acquiring the needed personnel will be to employ teachers who are certified, but not in the area of their employment. These teachers are required to obtain additional training for continued employment. This is done by means of an interim plan. During 1981-82, 1,598 special education teachers were on interim plans in Louisiana. The high number of teachers on interim plans reflects a large number of special education teachers who must obtain generic certification necessary to meet new generic classroom requirements. These professional plans of development (interim plans) are on file in the school system Superintendent's office. The plans ensure that teachers are enrolling in courses leading toward full certification. Six hours per year are required. Interim plans are monitored by the SDE on an annual basis.

c. Personnel Requiring Inservice Training and Content Areas of Training

The number of personnel requiring inservice training during FY84-86 is obtained from the data sources in Section B as are the content areas in which training is required. This number includes those personnel who are already in the field and require additional skills to provide full educational opportunity for handicapped students and reflects both fully certified teachers and those on interim plans. Table A on the following page summarizes this information.

TABLE A

PROJECTED NUMBER OF PERSONS TO RECEIVE INSERVICE TRAINING

DURING FY84-86

CONTENT AREA OF TRAINING	TRAINING AUDIENCE: Special Education Providers	Pupil Appraisal and Related Services Personnel	General Education Teachers	Parents of Handicapped Students Volunteers, Paraprofessionals	Special Education and Service Agency Administrators (including SEE personnel)	General Education Administrators
Appropriate Curriculum Standards	2500	600	700	500	250	400
Ongoing curriculum assessment and modifications	2500	600		500		
Strategies for determining pupil progress	2500	600		500		
Specialized instructional strategies and methods	2500			500		
Specialized assessment and intervention strategies	2500	300	700		250	
Alternative Service Delivery Methods		200			250	
Application of Technology		600			250	400
School Building Screening Process	500	3000	700	500	150	700
Adapting/Modifying Regular Curriculums			700	500		400
Management Techniques	1500	200	700	500		400

*Numbers reflect training audience per year. Personnel may be trained in more than one area per year.

BEST COPY AVAILABLE

d. Ranking Inservice Needs

Based on the above information, all groups of general educational and special educational personnel will require retraining (inservice) to meet the full educational opportunities goal. Because of the mandates of a federal level consent decree (Luke S. vs Nix et al) pupil appraisal and related service personnel will receive extensive training during 1984-86 in specialized intervention and assessment strategies that are appropriate to the school building level assessment and service delivery models. In addition, the CSPD Committee established the following specific priority training needs for Louisiana for FY84-86. These needs are described below in order of priority.

(1) Special Education Providers - Training for all special education providers in selecting appropriate curriculum standards (pupil progression), ongoing curriculum assessment and modifications, strategies for determining pupil progress and specialized instructional strategies and methods.

(2) General Education Administrators - Training in recommended curricular management, adaptions, and/or modifications used in general education classrooms to meet the needs of handicapped students and in the school building level screening process.

(3) General Education Teachers - Training in adapting and/or modifying regular education curriculum and management techniques to meet needs of handicapped and transitional students in the least restrictive environment and in the school building level screening process.

(4) Parents of Handicapped Students, Volunteers, and Paraprofessionals - Training in more effective participation in critical IEP decisions regarding curricular and educational outcomes and in development and integration of specialized instructional

techniques into home and classroom situations.

(5) Special Education and State Service Agency Administrators (including SDE personnel) - Training in effective programmatic and administrative decision making, alternative service delivery models, and in application of technology to state and local record keeping procedures.

These needs represent both generic and specific groups requiring training during FY84, FY85, and FY86. Section IV: Inservice Training, will describe the projected inservice training in additional detail.

D. Inservice Training - Personnel Development Plan

This section of the personnel development plan identifies the target populations and target training audiences for inservice training, program objectives, content and nature of the training, the trainers, funding sources, and time frame. Incentives and involvement of local staff are also described.

1. The Louisiana procedure for personnel planning focusing on inservice needs is described in Section II under the CSPD Committee. Based on the results of the needs assessments, the CSPD Committee sets priorities for target audiences and areas of needed inservice training. (Procedures described in Section II)

2. The results of the ranking establish target populations from general education instructional and support personnel and special education instructional, related service, and support personnel. More specifically, the following target audiences have been indicated as well as program objectives, content and nature of the training, trainers, funding sources, and time frames for FY84-86.

TARGET AUDIENCE	PROGRAM OBJECTIVE	CONTENTS AND NATURE OF TRAINING	TRAINERS	TIMEFRAMES	$	INCENTIVES	FY85	FY86
Regular physical education teachers serving mildly handicapped students. Local supervisors of physical education programs.	To develop positive attitudes and increase the knowledge level of educators responsible for teaching physical education for handicapped students; to increase understanding of physical education and to improve the quality of physical education programs provided for handicapped students. To identify model mainstreaming Physical Education programs.	Eight regional inservice training programs will provide training in methodology for modifying activities that will improve the physical, social and emotional functioning of exceptional children mainstreamed into regular physical education classes.	State supervisor - Adapted physical education State supervisor - Regular physical education University personnel - Health and physical education (two persons)	FY84 - four workshops (trainer of trainer concept), two in the fall, two in the spring. FY85 - four workshops (trainer of trainer concept), two in the fall, two in the spring.	Part D funds	PIP points will be offered at sessions provided during the Louisiana Assoc. of Health, Physical Education, Recreation and Dance (LAHPERD)	Provide sessions during the state conference sponsored by LAHPERD specific to working with handicapped students in regular physical education. Coordinate local workshops conducted by trainers.	Continuation of FY85 activities. Submit/publish articles in LAHPERD newsletter with suggestions/ activities for instructing

BEST COPY AVAILABLE

TARGET AUDIENCE	PROGRAM OBJECTIVE	CONTENTS AND NATURE OF TRAINING	TRAINERS	TIMEFRAMES	$	INCENTIVES	FY85	FY86
Special Education Instructional and Support Personnel. Regional Specialist for low-incidence exceptionalities	To train regional personnel to assist local systems in identification, assessment, and program development and implementation for low-incidence exceptionalities. To establish a model regional resource service center	Seven two day sessions to include the following components: 1) Sessions specific to the needs of the various disciplines involved a. assessment b. program development c. program implementation 2) Sessions to provide the Regional Specialists with adult training skills.	SDE staff University personnel Consultants	FY83 Develop training content FY84 Implement Training FY85 Develop model center FY86 Replicate Center	Part D Special Project	Professional growth. Specialized training.	Develop model Regional Resource Service Center. Part D	Replicate model in other regions. Part D
Special Education teachers working with students' alternative to regular placement instructional programs	Development of two booklets containing suggested age appropriate and functional activities which correlate with the competencies as listed in the separate minimum standard for mildly handicapped students and the separate minimum standards for moderately/severely and profoundly handicapped students. Development of classroom assessment instruments which correlate with the two sets of separate minimum standards.	This component consists of product development. The booklets of activities will be developed by committees of professionals from the field to include teachers, administrators, and related service personnel. The assessment instrument will be developed with the assistance of consultants.	SDE staff - coordinate development of products Administrators, Teachers and related service personnel as recommended by their local systems. Consultants	First draft of activities booklet Spring of '85 Assessment Instruments Spring of '86	Part B	Professional development.	Dissemination of booklet	Development of Assessment Instrument

BEST COPY AVAILABLE

TARGET AUDIENCE	PROGRAM OBJECTIVE	CONTENTS AND NATURE OF TRAINING	TRAINERS	TIMEFRAMES	$	INCENTIVES	FY85	FY86
Special Education Instructional Personnel Teachers of the Hearing Impaired	To provide training for the implementation of the state-wide curriculum for Hearing Impaired students. To provide guidelines for modifying local curriculum to meet the needs of hearing impaired students.	Regional workshops conducted by fellow teachers will train the participants in: 1) curriculum for the Hearing Impaired 2) modifications of the local curriculum to meet the needs of hearing impaired students.	Coordinated by SDE Participants of the 1983 Summer Institute (Part D)	Workshop sequence at regular intervals throughout the school year	Part D	Professional development.	Sequence continued	Sequence continued
Special Education Instructional Personnel. Teachers of the deaf-blind	To improve the instructional skills of teachers of the deaf-blind	Selected teachers and SDE staff will review curricula appropriate for use with Deaf-Blind for possible purchase or development for use by Louisiana's teachers of the deaf-blind	SDE staff Selected teachers of deaf-blind TBA.	Collection and review of materials 1984 Development/ purchase and dissemination 1985			Dissemination	
Speech, Hearing, Language Specialists	To provide speech therapy in areas that have unserved children due to a personnel shortage	Student therapists will provide therapy as part of their required University clinical practicum. Lesson plans will be written from previously developed IEPs. Supervision of activities will be provided.	To be decided yearly from needs assessment conducted by State Department of Education/ Louisiana Hearing Association/ University Programs.	Each semester (twice yearly) for 12 weeks	Same as 1982-83 activities for Speech Program Special Activities.	Professional Improvement Program Points. Continuing Education Credit. Professional development	Continued yearly based on projected needs	Continue yearly based on projected needs

BEST COPY AVAILABLE

TARGET AUDIENCE	PROGRAM OBJECTIVE	CONTENTS AND NATURE OF TRAINING	TRAINERS	TIMEFRAMES	$	INCENTIVES	FY85	FY86
Related Service Personnel and parents of the hearing impaired and deaf/blind	To develop sign language skills necessary for communication with the deaf: "Basic Skills".	A 20-hour series of instructional video-tapes will be developed and made available to related service personnel (e.g. speech therapists, classroom aides) and parents to develop basic sign language skills.	Coordinated by SDE and the LLRS in conjunction with interpreter training programs available in the state.	for tape development 1986 fiscal year. for dissemination of tapes ongoing as needed beginning 1986 school year.	possible Part D	Professional development Improved practicing skills	Dissemination "Basic Skills" Staff and parents. Develop intermediate skills tapes.	Dissemination to staff and parents "Basic Skills" and "Intermediate Skills" Develop "Advanced Skills".
Statewide Conference for Parents of Deaf-Blind	To increase the knowledge base regarding deaf-blindness and parenting skills necessary for management of the deaf-blind child.	Information will be presented and activities developed to improve the skills of parents of deaf-blind in the areas of 1) psycho-social developments of the deaf-blind child and 2) educational needs of the deaf-blind child.	Coordinated by SDE staff. June Miller - vita attached.					
Speech, hearing, language specialists	To provide opportunities for continued relevant professional growth.	Two state conferences, Fall, Spring (co-sponsored, LSHA) Two selected regional university conferences (co-sponsored) Pertinent workshop activities will be provided by appropriate consultants.	To be decided by needs assessment yearly which is conducted by Louisiana Speech, Hearing Association/ University Programs/ State Department of Education	Two days - Spring - Fall (state) Two days - Spring (University)	Same - yearly	Continuing Education Credits Professional Improvement Program Points Professional Development	Continued yearly based on needs assessment.	Continued yearly based on needs assessment

BEST COPY AVAILABLE

TARGET AUDIENCE	PROGRAM OBJECTIVE	CONTENTS AND NATURE OF TRAINING	TRAINERS	TIMEFRAMES	$	INCENTIVES	FY85	FY86
BD/ED Teachers	To train selected regional teachers as resource people to provide inservice and technical assistance within their respective regions.	A series of three-day workshops will assist selected teachers developing and maintaining programmatic skills which would meet the individual needs of BD/ED student population.	L. Wimberly C. Hughes M. Owens R. Ringlaber	On going follow-up activities to regional resource personnel in the area of BD/ED in August, 1983. Train additional resource personnel in 1983-84, 1984-85.	CSPD/Part B Discretionary Funds	Graduate college credit through Louisiana State University.	Continue training personnel in programmatic and consultative skills thereby expanding the number of resource people in each region.	
Special and regular education teachers. Special and regular education administrators Pupil appraisal personnel Related service personnel Parents Other service agency personnel	To provide participants with information on current trend methods, and materials in the area of education handicapped students.	An annual three-day inservice conference entitled Special Education Meets the 80's, will be held for approximately 4000 participants. Approximately 100 sessions will be included. Information and training will be provided to participants in current methods, materials, and techniques in the field of education of the handicapped.	SDE staff LEA personnel University faculty Consultants	February, 198	Part B Self-generated and state funds	Professional development release time.	Continue objective Same funding	Part B continue objective, same funding

BEST COPY AVAILABLE

TARGET AUDIENCE	PROGRAM OBJECTIVE	CONTENTS AND NATURE OF TRAINING	TRAINERS	TIMEFRAMES	$	INCENTIVES	FY85	FY86
SDE special education staff	To provide participants with ongoing inservice related to (1) current special education issues and trends and (2) federal and state policies and procedures	Monthly staff development services will be conducted for a SDE special education staff. Additionally, a two-day staff retreat will be held. The focus in these activities will be to provide SDE special education staff with information and training on current special education topics and on federal and state policies and procedures.	SDE staff	Ongoing monthly inservices Summer, 1984 retreat 1984-85.	Part B	Professional development	Continue objective Part B	Continue objective Part B
Supervisors of special education. SSD#1 central office staff and principals	To provide school system administrative personnel with information and training in planning, management, and evaluation of special education programs.	Supervisors of special education will participate in a three-day conference. Participants will be provided training and information related to management of special education programs. Topics to be addressed include complaint management and due process, secondary level programs options, service delivery models for low incidence (#c) population, coordinators of special education and regular education services, and other critical administrative issues.	SDE personnel Consultants	Summer, 1984	Part B	Professional development	Continue objective Part B	Part B Continue objective Part B

BEST COPY AV.

TARGET AUDIENCE	PROGRAM OBJECTIVE	CONTENTS AND NATURE OF TRAINING	TRAINERS	TIMEFRAMES	$	INCENTIVES	FY85	FY86
Preschool teachers Pupil appraisal staff Supervisors Related Service Personnel Head Start personnel	To train preschool educators within a non-categorical model of service delivery regarding specific handicapping conditions they will encounter in the classroom. To provide professionals with practical information to identify, answer and serve young children exhibiting specific handicapping conditions.	A five day summer institute will be conducted composed of half day sessions for teachers and others. Each session will focus on practical application of theory. There will be four sessions running simultaneously so that as many as 150-200 participants may attend. Each session will focus on 1) a specific handicapping condition 2) a specific problem (e.g., positioning, feeding) or 3) an area of interest (e.g., curriculum, assessment)	SDE staff Paid consultants	Summer months 5 day sessions Participants register for as many sessions as they desire	Preschool Incentive Grant,	PIPs - 6 units per day	Same as FY84	Same as FY84
Preschool teachers and parents Related Services Personnel Pupil Appraisal Personnel	To regionally train preschool personnel and others in issues of concern. Types of training will vary, but will concentrate on issues such as language, curriculum, assessment, behavior management, toileting etc. To train preschool personnel on specific models of preschool education, e.g. those developed through the HCEEP network.	One day workshops with content as requested by regional personnel and model preschool programs such as the Chapel Hill Outreach Project, the LA. Infant Curriculum PEECH model.	SDE staff Regional Preschool Coordinators Paid consultants	Throughout the year for inservices requested by regions. September, October, November—training in model projects	Preschool Incentive Grant	Professional development	Same as FY84	Same as FY84

BEST COPY AVAILABLE

TARGET AUDIENCE	PROGRAM OBJECTIVE	CONTENTS AND NATURE OF TRAINING	TRAINERS	TIMEFRAMES	$	INCENTIVES	FY85	FY86
Regular teachers and administrators	Develop bulletins containing characteristics of exceptional students and suggested modification and adoptions that regular teachers may use during introduction with	The training will involve a one week summer institute to include sessions to develop skills for regular education teachers in the modification of curriculum instructional	SDE staff University personnel	Summer 1984	Part B	PIP Points		
Speech, hearing, language specialist	exceptional students that have been mainstreamed into regular classrooms. Training for regular teacher serving mainstreamed exceptional students in the methodigies for modifying curricula instruction and materials as suggested in the resource bulletins	strategies and materials appropriate for use with exceptional students that have been mainstreamed into regular classes. The training will make use of the previously developed suggestion bulletin as a basic resource.		Two days - Spring - Fall (state) Two days - Spring (University)	Same - yearly	Continuing Education Credits Professional Improvement Program Points Professional Development		

3. Prior to the implementation of any State directed inservice training programs, all projected inservice programs are discussed and school systems and SDE personnel determine their respective roles and responsibilities at the Annual Special Education Supervisors' Conference. In all cases, no State directed inservice training is initiated without input, commitment, and involvement of the school systems affected by the inservice training.

At the above-mentioned conference, training strategies are discussed, and all efforts are made to ensure that the use of innovative training practices is incorporated into the inservice model.

E. Preservice-Personnel Development Plan

1. Structure for Personnel Planning

Under the Constitution of Louisiana, the Board of Regents has the primary responsibility for developing and implementing preservice training programs for teachers and related service personnel.

The Board of Elementary and Secondary Education is responsible for developing policies and approving procedures including certification standards for public and nonpublic elementary and secondary instructional and administrative personnel in Louisiana.

By structure, these bodies address the needs of two separate but interrelated groups. To facilitate communication and to discuss, in an organized manner, mutual needs and concerns, biannual meetings of the boards are held. These boards have the responsibility for estimating the needs for additional personnel, retrained personnel, or personnel trained in new program areas as expressed by the CSPD Committee with the preservice programs in colleges and universities.

An addition to the organizational structure has emerged from the Louisiana Manpower Needs Assessment of 1977-78. The State Department of Education has assumed the responsibility for continuing an annual update of the preservice manpower needs and requests ongoing assistance from the CSPD Committee. This committee represents institutions of higher education, the

Board of Elementary and Secondary Education, school systems, parent/advocacy organizations, and the State Department of Education. The recommendations of this committee will be valuable in determining needs and setting priorities for training goals. The structure for personnel planning is described in additional detail in Section II, Input and Implementation.

2. Needs Assessment

An annual updating of the Manpower Study (see Section II for more detail) and detailed reports from the Bureau of Higher Education and Teacher Certification within the SDE indicates a serious shortage of both general and special educators. All city/parish school systems are utilizing personnel in teaching positions who are on interim plans (degree/noncertified), temporary certificates (degree/noncertified) and/or addendums (special provisions for nondegree/noncertified personnel).

3. Prioritization of Needs

Based on the data presented to the CSPD Committee, the following priorities were established:

a. Teachers of low incidence exceptionalities: visually impaired, deaf, orthopedically impaired, severely and profoundly retarded, autistic, noncategorical preschool, etc.

b. Related service personnel - physical, occupational, and speech therapists.

c. Support personnel - pupil appraisal personnel.

d. Administrative and secondary general education instructional staff with training in needs of handicapped children.

These priorities have also been approved through the public hearing process by the SDE and the Louisiana Board of Elementary and Secondary Education as it approved the FY84-86 Special Education Program Plan.

4. Target Populations

Louisiana now has undergraduate degree programs in special education. The State has also added funding for generic classes (i.e., mild/moderate and severe/profound); therefore, generically certified teachers are required. Many categorically certified teachers are taking additional courses to become generically certified.

An additional audience are graduate students who can major in categorical or generic special education areas or obtain additional certification. The University of New Orleans is now offering a doctorate program in special education.

5. New Certification Requirements

In response to the requirements of the Regulations for the Implementation of the Exceptional Children's Act and based on a year-long study of training programs and certification needs in Louisiana, new certification requirements have been developed and implemented including generic certification and a bachelor's degree in special education.

The following training models are available for teachers of exceptional children.

Undergraduate degree programs in special education including emphasis in:

Mild/Moderate (elementary and secondary)

Severe/Profound

Noncategorical Preschool

Speech

Deaf and Hearing Impaired

Post baccalaureate degree programs:

Gifted and Talented

Mental Retardation

Generic (mild/moderate or severe/profound)

Learning Disabled

Emotionally Disturbed

Deaf Education

Speech

The Louisiana Board of Elementary and Secondary Education has approved certification requirements for the following support and related service personnel: special education supervisors, special school principals, child search coordinators, assessment teachers, adaptive physical education teachers, paraprofessionals, physical therapists, occupational therapists, music therapists, dance therapists, and art therapists.

Upon approval by the BESE, the new certification requirements (with grandfathering procedures) have become effective. Modification of preservice training programs to meet these requirements has been undertaken by the colleges and universities as approved and supported by the Board of Regents. Effective implementation at the university level is now in place for mild/moderate elementary certification. Secondary mild/moderate and severe/profound certification requirements are being gradually implemented by universities with SDE technical assistance.

Additionally, new endorsement or certification requirements for interpreters for the deaf teachers of the deaf/blind, secondary general educators and administrators, and teachers of infant handicapped students are being considered. Vocational education teachers who teach vocational education courses to handicapped students will need to meet new certification requirements.

F. Dissemination and Adoption

1. Louisiana Dissemination Network

The Louisiana Dissemination Network (LDN) is the framework within which specific dissemination services and activities take place in Louisiana. The State Department of Education, because of its particular responsibility for public education, serves as the catalyst and manager for LDN.

Within the SDE, dissemination activities are largely the responsibility of the Bureau of Public Information in the State Superintendent's office and the Bureau of Development in the Office of Research and Development. In addition, a number of other offices, including the Office of Special Educational Services, carry out specified dissemination activities related to their particular academic or service responsibilities. A SDE Dissemination committee, comprising representatives from the above groups, serves as the internal coordinating mechanism for the Department.

A Statewide Dissemination Advisory Council appointed by the State Superintendent of Education is representative of local education agencies, colleges and universities, and business, community, and special interest organizations. The council provides the Department, principally the Dissemination Section, with recommendations for strengthening and coordinating educational information dissemination among organizations, agencies, and individuals throughout the State.

Local education agencies and institutions of higher education are the other two elements, in addition to the SDE, which form the Louisiana Dissemination Network. Informal linkages among the three elements have long existed, and LDN provides a formal linking procedure to support communication in a systematic way. The procedure involves the designation of a specific individual in each local education agency and higher institutions as a "linker." These persons, appointed by the appropriate local administrator, serve as the identified contact persons in their respective locations for local involvement in LDN services and activities.

A graphic representation of the Louisiana Dissemination Network is shown as follows:

Bureau
of
Development

Public Information Bureau

Statewide Dissemination Committee

Other Offices

Statewide
Dissemination
Advisory Council

LEA

Linkers

IHE

Linkers

Louisiana Dissemination Network (LDN)

There are four functional components of the LDN. They are as follows:

Information component

Linkage component

Incentives component

Management component

Activities included in each of the four functional components are as follows:

a. Information component - includes activities that deal with knowledge, facts, or data in forms that facilitate communication. Products include research and program information, management information, public information, and legislative and regulatory information.

b. Linkage component - includes activities that relate to a two-way communication system or network that links or provides clients or consumers with information and incentives. Products include targeted communications (e.g. newsletters, brochures), mass media communications, inter-

mediate agency communications (e.g. teacher centers, demonstration sites), conference and training communications, and personalized communications.

c. Incentive component - includes activities that can be used to motivate or compel clients or consumers to implement a specific program or practice or to use knowledge for meeting educational objectives. Products include rewards, recommendations, recognition, certification, accreditation, grants, laws, and policies.

d. Management component - includes activities that are directed to the organization, control, and use of the other functional components (e.g., directing, leading, needs sensing, internal and external coordination).

2. Sources of Dissemination Information

The LDN uses a number of sources on educational resources, demonstration projects and other projects. Those sources most pertinent to special education needs include the following:

a. State facilitator projects operated by the SDE Title IV staff. This project will have information about exemplary programs that have been nationally validated and are in the Dissemination Review Textbook.

b. The Southwest Regional Resource Center (SWRRC) located in Baton Rouge, Louisiana. The SWRRC has, along with its sister RRCs, information regarding effective practices within all the major components of P.L. 94-142.

c. The Educational Resources Information Center (ERIC) Clearinghouse on Handicapped and Gifted Children, CEC Information Center, Reston, Virginia.

d. Special NET

e. Use of the SDE Dissemination Committee, the Statistical Dissemination Advisory Council, the LEA and IHE Linkers to obtain relevant information.

f. Requests for specific information are made through the LDN computer bank which can access all major national dissemination networks.

g. Information acquired can be disseminated as the user requests or can be stored within the banks for future use.

3. Review of Educational Research, Demonstration Projects, and Other Projects by CSPD Through LDN

Significant information on educational research, demonstration projects, or other projects that has been acquired will be reviewed by one or more of the following groups depending on the content and applicability of the information:

a. SDE regional coordinators who provide technical assistance and inservice training to all LEAs with the State.

b. Staff from Special School District #1 which coordinates the provision of educational services to handicapped students in public residential settings.

c. SDE specialty staff in the areas of MR, BD, LD, ED, Speech, OHI and OH, autistic, deaf/blind, visually impaired, deaf/hard of hearing, vocational education, early childhood, and gifted/talented.

d. SDE personnel from the Bureaus of Elementary and Secondary Education and the Offices of Vocational Education and Research and Development.

Written recommendations will be made by the reviewer to the Assistant Superintendent for Special Educational Services and the CSPD Committee evaluating the usefulness of the information and suggesting ways in which it may be used to strengthen special education practices in Louisiana. Recommendations will also be addressed to the LDN to further its dissemination capabilities.

4. Description of Dissemination Procedures

The LDN will serve as the first means of disseminating reviewed information to general educators, special education instructional personnel, administrators, and interested agencies and organizations.

Additionally, the Office of Special Educational Services, Bureau of Psychological and Social Work Services, will develop and implement a system to disseminate educational research, demonstration, and other projects that augment the LDN system. The CSPD Committee will review this system and make recommendations for modifications as necessary to ensure maximal compatability and coverage.

Dissemination of significant research and demonstration projects activities will cover a wide range and include the following:

a. Articles in Louisiana Education, published nine times a year with a circulation of 55,000

b. News releases to local and State newspapers

c. Articles in other SDE newsletters

d. Retrieved program abstracts by school systems form LDN

e. Invitations extended to exemplary programs for presentations at local, regional, and statewide conferences

f. Videotaping of exemplary programs for checkout from media centers

g. Site observation opportunities provided by exemplary programs for potential replicators

h. Direct technical assistance offered by exemplary program staff, upon request

Educators or other agencies wishing to establish innovative programs may request technical assistance from the regional coordinators. If training needs cannot be met through the coordinators, such services may be requested from the SDE, Office of Special Educational

Services. Media demonstrations and training in the proper use of instructional materials and equipment for personnel development and instructional programming will be provided to general and special educators and other interested persons through the regional coordinators and the Office of Special Education.

The following groups and agencies shall receive dissemination information:

a. LEAs - including regular and special education and related or other support personnel

b. Louisiana Association for Retarded Citizens

c. Community Advancement Programs

d. Community Coordinated Child Care Councils

e. State operated residential programs for handicapped students

f. Nonpublic residential programs for handicapped students

g. Day care centers

h. Nonpublic elementary and secondary schools with special education programs

i. Deans of education at public and nonpublic universities and colleges

j. Developmental Disabilities Council

k. Louisiana Association for Children with Learning Disabilities

l. Louisiana Children's Council

m. Advisory Board of Louisiana Department of Health and Human Resources

n. Louisiana State Association of School Executives

o. Louisiana Council for Exceptional Children

p. Louisiana Association of Speech and Hearing

q. Advocacy Groups

r. Greater N.O. Chapter--National Society for Autistic Children

5. Adoption of Promising Educational Practices

The CSPD Committee will receive the promising practices identified through the review process. In turn, the CSPD Committee will review the recommendations and determine if some of these practices should be included in the statewide adoption system.

If the practices are approved for inclusion, intensive inservice training will be provided to the school systems' special supervisors at the Annual Summer Conference and to the general and special educators, administrators, and support personnel at the 1984, 1985, and 1986 Super Conference relative to their implementation. Additional descriptions will also be available through the means mentioned in D above.

a. To reassess educational practices, the Louisiana State Department of Education, Office of Special Educational Services, has developed several methods of needs assessments including minimal proficiencies and monitoring.

(1) To obtain information on techniques used for different types of instructional problems, the State Department of Education will develop a needs assessment to be completed by all special education teachers and other education professional in the State. The focus of the needs assessment would be to 1) determine current educational practices, and 2) evaluate their effectiveness or need for change as perceived by the LEA special education staff.

(2) Analyzing the ongoing results of the statewide minimal proficiency testing will give the SDE the capability to determine standards for handicapped children and to identify educational practices that are not embracing student development.

(3) In each annual evaluation report submitted by the LEAs to the State Department of Education, a report will be included on its current educational practices and those that require modification. This report will be coupled with the evaluation assessing the effectiveness of the IEP for handicapped students.

b. Identification of Resources

The SDE's child search coordinator and each SDE regional coordinator will assist the LEA child search coordinator and special education supervisor in compiling and updating lists of human and material resources available within their parish. Special attention will be given to locating and identifying support service personnel and to the availability of nonacademic and support activities for handicapped children.

Coordination between the LEAs and other human service agencies in the parish will serve to maximize both fiscal and human expenditures and reduce duplication of services.

For monitoring purposes the SDE child search coordinator will review the identified resources in each LEA and with the regional coordinators make recommendations for further identification activities.

The SDE regional coordinators will compile a list of human material resources for each region. The State child search coordinator will compile and update lists of human and material resources for the State and after careful review disseminate, both regional and statewide resources to all special education supervisors, child search coordinators, SSD #1 personnel, human service agencies, and other concerned groups.

G. Summary of Data Collection Strategies

The procedures for documenting the overall effectiveness of the CSPD, the administration of the system, and monitoring activities are described below.

1. Effectiveness of Comprehensive System of Personnel Development

   a. To assess the effectiveness of State directed inservice training, third-party evaluators will assist the trainers to select or develop identified measuring instruments as well as monitor the collection of evaluation data. SDE personnel will monitor the training activities and complete an evaluation of activities documentation record. Efforts will be made to collect formative as well as summative data.

   b. The annual updating by the SDE of the Manpower Study will allow the Department to evaluate the effectiveness of the CSPD in initiating new programs and modifying existing ones to meet preservice needs.

   c. An analysis of Annual School Reports and Local Education Agency P.L. 94-142 applications will determine if additional personnel are being trained and if currently employed personnel are receiving appropriate inservice training. Results of all evaluation activities will be shared by SDE with the CSPD Committee for review and recommendations.

2. Procedures for Administration of the System

   Following the public hearings held annually in January and upon review of the recommendations made by the CSPD Committee, the Assistant Superintendent of Special Education Programs will meet jointly with BESE and the Board of Regents. Discussion will focus on a review of the procedures for the administration procedures will be made and implemented with the approval of the BESE and the SDE, Office of Special Educational Services, through the mechanism of the CSPD.

3. Monitoring Activities

   a. A description of the SDE monitoring responsibilities are contained in Section XIX of the FY80 Special Education Program Plan. Such procedures include indepth administrative reviews and verification visits. Program reviews to all Local Education

Agencies and on-site observations include the following:

(1) The number of personnel required for the full educational opportunities goal.

(2) The number presently employed.

(3) The types of additional or new instructional, support, or related service personnel required.

(4) Documentation of system-wide needs assessment including regular and special education personnel.

(5) Inservice training strategies to meet assessed needs.

(6) Teachers' feedback on needs and inservice training provided.

(7) LEA monitoring procedures of personnel development.

b. An analysis of the Manpower Study serves as a monitoring activity for preservice activities as well as LEA responses to the qualifications and abilities of personnel trained in various programs.

4. Assessing the Extent To Which Program Objectives Are Being Met

The plan for evaluating the outcome of inservice training activities involves the following procedures:

First, evaluation design summary charts are completed for each inservice training activity. They specify each inservice training objective in performance terminology and identify the measuring instruments (name/type of instrument, date instrument is to be completed, and baseline data) and data collection procedures (target group, scheduled dates, and person responsible). The data contained on the charts will be the guidelines followed by the team of evaluators in measuring the effectiveness of the inservice training activities.

Second, documentation forms are developed for each training program and include subactivities, date scheduled, date accomplished, planned evidence of completion, actual evidence of completion and reasons for discrepancies. These documentation forms ensure that training activities occur as planned and on time.

Third, SDE personnel will complete these forms, but the third-party evaluator will make a quarterly check of the SDE files to see that output indicators are available.

H. Technical Assistance

Kinds of Consultative Assistance Provided by the SDE

1. The SDE, Office of Special Educational Services, provides five types of consultative technical assistance to the LEAs and SSD #1 in their implementation of the Louisiana CSPD.

2. The SDE specialty staff assists the LEAs in implementing the CSPD. Technical assistance is available in the following areas:

Gifted/Talented	Visually Impaired
Mental Retardation	Other Health Impaired
Learning Disability	Orthopedically Impaired
Emotionally Disturbed/Autistic	Vocational Education
Adapted Physical Education	Preschool Handicapped (ages 0-5)
Assessment/Evaluation	Child Search
Monitoring Procedures	School Approval
Deaf/Hard of Hearing	Due Process Procedures

3. The State Director of Louisiana Learning Resource Systems provides media and instructional materials to assist LEAs in implementing the CSPD. Inservice training is also provided on basic instructional techniques, behavior, management, and the IEP process.

4. The SSD #1 staff works cooperatively with residential facilities to encourage their staff to participate in CSPD training. LEAs are also encouraged to include residential teaching staff in appropriate inservice activities.

5. The BESE and the Board of Regents will review annually the SDE updated Manpower Study. Either board may request technical assistance to implement recommendations contained in the study.

X. Participation of Students Voluntarily Enrolled in Private Schools (Voluntarily enrolled handicapped students)

"Private school handicapped (exceptional) children" means handicapped (exceptional) children enrolled in private schools or facilities other than handicapped children in private schools placed or referred by public agencies.

A. State Assurances

1. To the extent consistent with their number and location in the State, provision is made for the participation of private school handicapped (exceptional) children in the program(s), assisted or carried out under this part by providing them with special education and related services and, that

2. The requirements in 45CFR100b.651-100b.662 of the Educational Division General Administration Regulations (EDGAR) are met.

School System Assurances

3. Local Education Agencies: Each school system provides special education and related services to meet the needs of private school handicapped (exceptional) children residing in the jurisdiction of the system. These children are provided with a general opportunity to participate in special education and related services consistent with the number of these children and their needs.

B. Responsibility of a State and a Subgrantee (School System)

The SDE assures that:

1. A subgrantee shall provide students enrolled in private schools with a genuine opportunity for equitable participation in accordance with the requirements in Sections 100b.652-100b.662 and in the authorizing statute and implementing regulations for a program.

2. The subgrantee shall provide that opportunity to participate in a manner that is consistent with the number of eligible private school students and their needs.

3. The subgrantee shall maintain continuing administrative direction and control over funds and property that benefit students enrolled in private schools.

4. A state shall assure that each subgrantee complies with the requirements in Sections 45CFR100b.651-100b.652.

5. If a state carries out a project directly, it shall comply with these requirements as if it were a subgrantee.

C. Consultation with Representatives of Private School Students

The SDE assures that:

1. An applicant for a subgrant shall consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the project covered by the application, including consideration of:

   a. which children will receive benefits under the project,

   b. how the children's needs will be identified,

   c. what benefits will be provided,

   d. how the benefits will be provided, and

   e. how the project will be evaluated.

2. A subgrantee shall consult with appropriate representatives of students enrolled in private schools before the subgrantee makes any decision that affects the opportunities of those students to participate in the project.

3. The applicant or subgrantee shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this section (C).

D. Needs, Number of Students, Types of Services

The SDE assures that a subgrantee shall determine the following matters on a basis comparable to that

used by the subgrantee in providing for participation of public school students:

1. the needs of students enrolled in private schools,

2. the number of those students who will participate in a project, and

3. the benefits that the subgrantee will provide under the program to those students.

E. Benefits for Private School Students

1. Comparable benefits

The program benefits that a subgrantee provides for students enrolled in private school must be comparable in quality, scope, and opportunity for participation in the program benefits that the subgrantee provides for students enrolled in public schools.

2. Same benefits

If a subgrantee uses funds under a program for public school students in a particular attendance area, or grade or age level, the subgrantee shall ensure equitable opportunities for participation by students enrolled in private schools who:

a. have the same needs as public school students to be served; and

b. are in that group, attendance area, or age or grade level.

3. Different benefits

If the needs of students enrolled in private schools are different from the needs of students enrolled in public school, a subgrantee shall provide program benefits for the private school students that are different from the benefits the subgrantee provides for the public school students.

F. Level of Expenditure for Students Enrolled in Private Schools

The SDE assures that:

1. Subject to the requirements of E.3 above and F.2 below (private schools students with needs different from public school students) a subgrantee shall spend the same average amount of program funds on:

   a. a student who is enrolled in a private school and receives benefits under the program, and

   b. a student who is enrolled in public school and receives benefits under the program.

2. The subgrantee shall spend a different average amount on program benefits for students enrolled in private schools if the average cost of meeting the needs of those students is different from the average cost of meeting the needs of students enrolled in public schools.

G. Information in an Application for a Subgrant

The SDE assures that an applicant for a subgrant shall include the following information in its application:

1. a description of how the applicant will meet the Federal requirements for participation of students enrolled in private schools,

2. the number of students who are enrolled in private schools and have been identified as eligible for benefits under the program,

3. the number of students who are enrolled in private schools and will receive benefits under the program,

4. the basis the applicant used to select the students,

5. the manner and extent to which the applicant complied with Section 100b.652 (consultation with representatives if private school students),

6. the places and times that the students will receive benefits under the program, and

7. the difference, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.

H. Separate Classes Prohibited

The SDE assures that A subgrantee may not use program funds for classes that are organized separately on the basis of school enrollment or religion of the student if:

1. the classes are at the same site, and

2. the classes include students enrolled in public schools and students enrolled in private schools.

I. Funds Not to Benefit a Private School

The SDE assures that:

1. A subgrantee may not use program funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.

2. The subgrantee shall use program funds to meet specific needs of students enrolled in private schools rather than:

   a. the needs of a private school, or

   b. the general needs of the students enrolled in a private school.

J. Use of Public School Personnel

The SDE assures that a subgrantee may use program funds to make public personnel available in other than public facilities:

1. to the extent necessary to provide equitable program benefits designed for students enrolled in a private school; and

2. if those benefits are not normally provided by the private school.

K. Use of Private School Personnel

The SDE assures that a subgrantee may use program funds to pay for the services of an employee of a private school if:

1. the employee performs the services outside of his or her regular hours of duty; and

2. the employee performs the services under public supervision and control.

L. Equipment and Supplies

The SDE assures that:

1. A public agency must keep title to and exercise continuing administrative control of all equipment and supplies that the subgrantee acquires with program funds. This public agency is usually the subgrantee.

2. The subgrantee may place equipment and supplies in a private school for the period of time needed for the project.

3. The subgrantee shall ensure that the equipment or supplies placed in a private school:

   a. are used only for the purpose of the project, and

   b. can be removed from the private school without remodeling the private school facilities.

4. The subgrantee shall remove equipment or supplies from a private school if:

   a. the equipment or supplies are no longer needed for the purposes of the project, or

   b. removal is necessary to avoid use of the equipment or supplies for other than project purposes.

M. Construction

The SDE assures that a subgrantee shall ensure that program funds are not used for the construction of private school facilities.

XI.

Placement in Private Schools (613(a)' (4) (B))

The State of Louisiana establishes the policy that if handicapped (exceptional) children are placed in or referred to private schools or facilities by the SDE or local educational agencies as a means of carrying out the statutory requirements, those children shall be provided special education and related services (a) in conformance with an individualized education program, (b) at no cost to parents, and (c) in a school or

facility which meet State education standards. The following conditions are included:

A. When a handicapped (exceptional) child is offered a free, appropriate public education in a public education agency that is readily accessible to his/her home community and the parents waive that opportunity in favor of private school placement, the parents shall assume full financial responsibility for the child's education.

B. If a parent contends that he/she has been forced, at the parent's own expense, to seek private schooling for the child because an appropriate program does not exist, and the responsible agency disagrees, that disagreement and the question of who remains financially responsible are a matter to which the due process procedures apply.

C. Whenever handicapped (exceptional) children are placed in private schools or facilities by public educational agencies, the SDE shall take steps to assure that the children have all the rights they would have if educated in a public school.

D. The SDE ensures that private schools receive a copy of State standards, regulations, and statutes and revisions as they occur.

E. The SDE provides opportunities for private school participation in development and revision of standards relating to special education.

XII. Recovery of Funds for a Misclassified Child

A. The State of Louisiana, Board of Elementary and Secondary Education, establishes the policy to seek to recover any funds made available under Part B of the Act for services to any child who is determined to be erroneously classified as eligible to be counted.

B. The State Board of Elementary and Secondary Education will, after verification of the determination that a child has been misclassified, will officially notify the LEA to seek clarification in writing of the determination. The State Board of Elementary and Secondary Education shall request that the funds used for the misclassified child(ren) be returned to the State Board of Elementary and Secondary Education. If the LEA is unable or refuses to return the funds, the State Board of Elementary and Secondary Education will deduct the necessary amounts from the next payment or allocation due the LEA under Part B. If there are are no additional funds due the LEA, the State Board of Elementary and Secondary Education will file suit to recover the funds.

XIII. Hearing on LEA Application (613(a) (8))

Prior to any final action in regard to disapproval or declaratory order regarding the process of implementating the local application for Part B funds, the SDE, whose subordinate presiding officer shall be the assistant superintendent for special educational services, shall provide reasonable notice and conduct hearings in a manner prescribed by the Louisiana Administrative Procedures Act of 1967 as amended through 1977 (R.S. 49:951-968) to the extent necessary to comply with Sec. 613(a)(8) of the Education of the Handicapped Act. Such notice and hearings shall be conducted with particular emphasis given to the following sections of the Louisiana Administrative Procedures Act.

In this matter, the word agency shall refer to the Louisiana SDE, and the word party shall refer to the local educational agency involved in the adjustment action or declaratory order. The word presiding officer shall refer to the assistant superintendent for special educational services.

Excerpts from Louisiana Administrative Procedures Act

Sec. 955. Adjudication; notice, hearings; records

A. In an adjudication, all parties who do not waive their rights shall be afforded an opportunity for hearing after reasonable notice.

B. The notice shall include the following:

1. A statement of the time, place, and nature of the hearing;

2. A statement of the legal authority and jurisdiction under which the hearing is to be held;

3. A reference to the particular sections of the statutes and rules involved; and

4. A short and plain statement of the matters asserted.

If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

C. Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

D. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default.

E. The record in a case of adjudication shall include the following:

1. All pleadings, motions, and intermediate rulings;

2. Evidence received or considered or a resume thereof if not transcribed;

3. A statement of matters officially noticed except matters so obvious that statement of them would serve no useful purpose;

4. Offers of proof, objections, and rulings thereon;

5. Proposed findings and exceptions; and

6. Any decision, opinion, or report by the officer presiding at the hearing.

F. The agency shall make a full transcript of all proceedings before it when the statute governing it requires it, and, in the absence of such requirement, shall, at the request of any person, have prepared and furnished said person with a copy of the transcript or any part thereof upon payment of the cost thereof unless the governing statute or Constitution provides that it shall be furnished without cost.

G. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

Sec. 956. Rules of evidence; official notice; oaths and affirmations; subpoenas; depositions and discovery

In adjudication proceedings:

A. Agencies may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct

of their affairs. They shall give effect to the rules of privilege recognized by law. Agencies may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

B. All evidence, including records and documents in the possession of the agency of which it desires to avail itself, shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. In case of incorporation by reference, the materials so incorporated shall be available for examination by the parties before being received in evidence.

C. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be used in the evaluation of the evidence.

D. Any agency or its subordinate presiding officer conducting a proceeding subject to this Chapter shall have the power to administer oaths and affirmations, regulate the course of the hearings, set the time and place for continued hearings, fix the time for filing of briefs and other documents, and direct the parties to appear and confer to consider the simplification of the issues.

E. Any agency or its subordinate presiding officer shall have power to sign and issue subpoenas in the name of the agency requiring attendance and giving of testimony, and the production of books, papers, and other documentary evidence. No subpoenas shall be issued until the party who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 12:3661 and R.S. 13:3671.

Witnesses subpoenaed to testify before any agency to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witness as may be fixed by the agency with reference to the value of the time employed and the degree of learning or skill required. Whenever any person summoned under this Section neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to give testimony, as required, the agency may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him for contempt. It shall be the duty of the judge to hear the application, and, if satisfactory proof is made, to issue an attachment, directed to some proper officer, for the arrest of such person, and upon such person's being brought before the judge, to proceed to a hearing of the case; upon such hearing, the judge shall have power to make such order as he shall deem proper, not inconsistent with the law for the punishment or attempts to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

F. The agency or a subordinate presiding officer or any party to a proceeding before it may take the depositions of witnesses, within or without the state, in the same manner as provided by law for the taking of depositions in civil actions in courts of record. Depositions so taken shall be admissible in any proceeding affected by this Chapter. The admission of such depositions may be objected to at the time of hearing and may be received in evidence or excluded from the evidence by the agency or presiding officer in accordance with the rules of evidence provided in this Chapter.

G. An agency having power to conduct adjudication proceedings in accordance with this Chapter may adopt rules providing for discovery to the extent and in the manner appropriate to its proceedings.

H. Records and documents, in the possession of any agency or of any officer or employee thereof including any written conclusions drawn therefrom which are deemed confidential and privileged, shall not be made available for adjudication proceedings

of that agency and shall not be subject to subpoena by any person or other State or Federal agency. Such records or documents shall only include any private contracts, geological and geophysical information and data, trade secrets and commercial or financial data, which are obtained by an agency through a voluntary agreement between the agency and any person, which said records and documents are designated as confidential and privileged by the parties when obtained, or records and documents that are specifically exempt from disclosure by statute. Any violation of this prohibition shall constitute waiver of governmental immunity from suit for damage resulting from any disclosure.

Sec. 957. Examination of Evidence by Agency

When in an adjudication proceeding a majority of the officials of the agency who are to render the final decision have not heard the case or read the record, or the proposed order is not prepared by a member of the agency, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made final until a proposed order is served upon the parties and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The proposed order shall be accompanied by a statement of the reasons therefor and of the disposition of each issue of fact on law necessary to the proposed order, prepared by the person who conducted the hearing or by one who has read the record. No sanction shall be imposed or order be issued except upon consideration of the whole record and as supported by and in accordance with the reliable, probative, and substantial evidence. The parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with this Section.

Sec. 958. Decision and Orders

A final decision or order adverse to a party in an adjudication proceeding shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each pro-

posed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record. The parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with this Section.

Sec. 959 Rehearings

A. A decision or order in case of adjudication shall be subject to rehearing, reopening, or reconsideration by the agency, within 10 days from the date of its entry. The grounds for such action shall be one of the following:

1. The decision or order is clearly contrary to the law and the evidence;

2. The party has discovered, since the hearing, evidence important to the issues that he could not have with due diligence obtained before or during the hearing;

3. There is a showing that issues not previously considered ought to be examined in order properly to dispose of the matter; or

4. There is other good ground for further consideration of the issues and the evidence in the public interest.

B. The petition of a party for rehearing, reconsideration, or review, and the order of the agency granting it, shall set forth the grounds which justify such action. Nothing in this Section shall prevent rehearing, reopening, or reconsideration of a matter by any agency in accordance with other statutory provisions applicable to such agency, or, at any time, on the grounds of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence. On reconsideration, reopening, or rehearing, the matter may be heard by the agency, or it may be referred to a subordinate deciding officer. The hearing shall be confined to those grounds upon which the reconsideration, reopening, or rehearing was ordered. If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final decision of such application.

Sec. 960. Ex-parte Consultations and Recusations

A. Unless required for the disposition of ex-parte matters authorized by law, members of employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in case of adjudication noticed and docketed for hearing shall not communicate, directly or indirectly, in connection with any issue of fact or law, with any party of his representative, or with any officer, employee, or agent engaged in the performance of investigative, prosecuting, or advocating functions, except upon notice and opportunity for all parties to participate.

B. A subordinate deciding officer or agency member shall withdraw from any adjudicative proceeding in which he cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of a subordinate deciding officer or agency member, on the ground of his inability to give a fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the agency, or if it affects a member or members of the agency, by the remaining members thereof, if a quorum. Upon the disqualification of a member of an agency, the Governor shall immediately appoint a member in that proceeding. In further action, after the disqualification of a member of an agency, the provisions of R.S. 49:957 shall apply. Prior to a formal hearing the State Department shall work to achieve an agreed settlement so that declaratory order or decision of adjudication will only be necessary in case of overt recalcitrance on the part of a local education agency. When the LEA responds to such agreed settlement, declaratory order, or decision, such agency shall be notified in writing of its eligibility to continue or to implement the LEA application submitted under Part B. EHA.

XIV. Annual Evaluation

The Louisiana SDE plans to use the services of a third party evaluator to conduct the evaluation of the effectiveness of programs initiated under P. L. 94-142. Included in this contract will be the evaluation of the child search programs and the school system's P.L. 94-142 programs, including IEP and CSPD programs. It will also include conduction of monitoring activities to ensure that evaluation procedures are properly implemented. The evaluation contract with the third party evaluator will specify (1) the evaluation tasks to be conducted, (2) timelines for conducting the evaluation tasks, and (3) the evaluation reports to be submitted. The third party evaluator will be responsible for carrying out the following evaluation plans.

A. Plan for Measuring the Effectiveness of the Child Search Programs

A quarterly report will be collected from each school system's child search coordinator. The content of the report will include information concerning the following:

1. child search objectives for the quarter,
2. child search activities conducted,
3. child search products developed and used, and
4. child find information.

In addition to the quarterly report submitted by school systems, the SDE director of child search will maintain a file of all child search activities conducted at the State level. The evaluation will summarize and analyze this information to ascertain the extent that the child search objectives in the annual State plan have been achieved.

B. Plan for Measuring the Effectiveness of LEA P. L. 94-142 Programs, Including IEPs

The following procedures will be used in measuring the effectiveness of LEA P. L. 94-142 programs including IEPs:

1. An end of the year evaluation report required from each LEA will be used to evaluate the effectiveness of local programs. The content of this report will include data on:

a. children served during the year in both public and nonpublic schools,

b. personnel employed during the year,

c. inservice training conducted during the year,

d. enrollment of students according to a free, appropriate educational setting,

e. children needing but not receiving an education,

f. severely handicapped children needing additional special education and related services, and

g. IEP achievement data on students.

The evaluator will summarize and analyze this information to determine the extent that LEA programs are achieving specified objectives.

2. Each year, the SDE conducts an indepth monitoring of one-third of the LEA special education programs. As part of the monitoring process, the monitoring team reviews the strengths and weaknesses of the school district's IEPs. The results of these monitoring reviews will be analyzed by the evaluator to determine the deficiencies that need to be corrected and the exemplary practices that need to be disseminated to other school districts.

   To ensure that accurate and valid information is obtained for evaluating local programs, the evaluator will orient the appropriate SDE and regional personnel in the contents and procedures for completing the required evaluation reports and the timelines for submitting them. These persons will then orient the city/parish school system on this information. This will be done at the beginning of each fiscal year so that school system personnel will have prior knowledge of the reporting requirements.

C. Plan for Measuring the Effectiveness of the CSPD Program

At the beginning of each year, the evaluator will orient the SDE coordinator of CSPD to the evaluation plan for each training activity and the data

collection procedures. The coordinator will then orient the directors of specific training activities to the evaluation procedures. The evaluator will provide technical assistance as needed in this process. Upon completion of training activities, the director will submit evaluation data to the CSPD coordinator. The evaluator will monitor the CSPD coordinator's files on a monthly basis to ensure that training is being conducted as planned and that evaluation data are being collected. At the end of the year, the evaluator will summarize and analyze the data to determine if the CSPD objectives have been achieved.

D. Submission of Evaluation Report

At the end of each year, the third party evaluator will submit a written evaluation report to the SDE on Part B programs. The report will contain evaluation data on the extent that Child Search, LEA P.L. 94-142 programs, including IEP and CSPD objectives, have been achieved. The report will also include conclusions and recommendations emanating from the evaluation results. Copies of these evaluation reports will be distributed to appropriate personnel within the SDE Office of Special Educational Services and to the Special Education Programs Office in the U.S. Department of Education. Information in the report will also be used in submitting the annual performance report.

XV. Additional Requirements

A. Responsibility of the SEA for all Educational Programs (300.134 of P. L. 94-142 Regulations)

1. The State of Louisiana ensures that the Department of Education with the approval of the Louisiana State Board of Elementary and Secondary Education is responsible for ensuring

   a. that the requirements of Subpart F of EHA-B are carried out; and

   b. that each educational program for the handicapped (exceptional) children administered with the state including each program administered by any other public agency

      (1) is under the general supervision of the persons responsible for educational programs for handicapped (exceptional) children in the State educational agency, and

      (2) meets education standards of the State educational agency (including the requirements of this part).

2. R.S. 17:1944 states that ...

   a. "A. The provisions of this Chapter shall be administered at the state level by the Department of Education, with the approval of its governing authority, and on the city or parish level by parish or city school boards. The Department of Education with the approval of its governing authority shall provide only general supervision and monitoring when the provisions of this chapter by law are administered through or in other state agencies.

      For purposes of administering this part, the superintendent of education shall establish within the department a division of special educational services (Office of Special Educational Services) which shall provide general supervision and monitoring of all education programs for exceptional children conducted within the state, including all such education programs administered by other state or local agencies.

b. B. The division of special educational services herein established shall have the following powers and duties:

(1) To regulate, consult with, and assist school boards in the awareness, location, identification, evaluation, referral and placement, and reassessment of children who require special education.

(2) To regulate all aspects of and assist with the development of all special education programs in the state supported in whole or in part by the state.

(3) To require all schools and agencies who receive federal or state monies from or through the State of Louisiana for exceptional children to provide any and all data regarding the use of these funds as may be requested by the Department of Education.

(4) To periodically review and analyze data required by this chapter, which shall be used to evaluate programs and services for exceptional children.

(5) To develop a public awareness program describing available special education programs and related services for exceptional children which may be available within the state, region or nation.

(6) To develop and recommend, when necessary, certification requirements for all teaching or non-teaching personnel employed in special education and related service programs in the state.

(7) To cooperate with public and private colleges and universities and vocational technical schools within the state or region in the development of degrees and/or certification programs in the various areas of exceptionality, in order to meet the manpower needs in special education.

(8) To receive and investigate complaints, to initiate its own investigations, and to conduct hearings with power of subpoena, on behalf of an individual child or group of children, regarding failure to comply with state or federal laws for exceptional children.

(9) To establish priorities, recommend funding, and monitor all federal and state monies specifically designated to be set aside for programs for children requiring special education or related services.

(10) To provide for the involvement of parents of exceptional children in the planning, development, and evaluation of special education programs and related services.

(11) To investigate and conduct hearings upon evidence of denial of equal educational opportunities of exceptional children as defined in this Chapter and to take such action as may be necessary to correct the situation.

(12) To require public or private schools and educational agencies receiving funds to establish uniform accounting and reporting procedures.

(13) To conduct or contract with any federal, state, city, parish, or private agency, research and development projects designed to improve the quality of special education programs or to increase the efficiency of such programs.

(14) To require placement of exceptional children needing special education or related services in public or nonpublic schools or other agencies nearest their place of residence, if placement is appropriate.

(15) To develop inservice education programs for parents of exceptional children, as necessary.

(16) To recommend to the superintendent of education the withholding of funds for special and related services from public and nonpublic schools or agencies that do not comply with the intent of this Chapter. No funds may be withheld without a due process hearing with the agency involved.

(17) To ensure that when exceptional children are placed in special education or related services provided by nonpublic agencies, such agencies shall meet the minimum requirements established by the Department of Education, with the approval of it governing authority.

(18) To ensure that out-of-state schools or programs in which Louisiana's exceptional children receive services have the capability and do provide an education program that would meet minimal standards for similar programs if they were available in Louisiana. The Department of Education, with approval of its governing authority, shall establish and publish these minimum standards and certify by name those schools that meet standards as necessary.

(19) To require that all local education agencies apply to the state education agency for the authority to place handicapped children in programs other than local public school programs.

(20) To investigate and conduct hearings upon evidence regarding failure to comply with state or federal laws, rules and/or regulations and to take such action as may be necessary to correct the situation."

B. Monitoring Procedures

The Louisiana State Board of Elementary and Secondary Education assures that the shall:

1. Provide technical assistance to prospective applicants and subgrantees;

2. Assist in the evaluation of projects;

3. Develop and use procedures to monitor each project;

4. Develop procedures, issue rules, or take whatever action may be necessary to properly administer each program and to avoid illegal, imprudent, wasteful, or extravagant use of funds by a State or subgrantee; and

5. Correct deficiencies in program operations that are identified through monitoring.

SDE monitoring activities to ensure a free, appropriate public education for all exceptional children in Louisiana are conducted on several levels:

1. Yearly, detailed Annual School Reports are required from all public and nonpublic day and residential schools and facilities serving exceptional students. These reports include the basic assurances of the LEA application including IEP, records-information, protection in evaluation, LRE, full educational opportunity goals, monitoring, child identification, and procedural safeguards.

   The reports also contain the date of the last multidisciplinary evaluation for each student, the date the most recent IEP was developed, and the age, sex, race, and exceptionality of the student. The teacher's classroom setting, areas of certification to teach, subject matter areas presented, students' instructional time in special education, and provision of related services are also included.

   These reports allow the SDE to conduct a paper monitoring to note deficiencies, give written request for compliance and, based on the final submission, assign a classification category for school approval. A school must be approved in order to obtain State and Federal monies.

2. On-site monitoring is conducted by the Office of Special Educational Services on a three-year cycle, with one-third of the school systems receiving an indepth administrative site review each year. A compliance review to ensure the correction of deficiencies is conducted during the second year of the cycle. A program assistance review, conducted the third year, assists the systems in a self-evaluation process and prepares them for the indepth administrative review the following year.

Included in this three-year cycle are all State Board Special Schools, Special School District #1, and approved educational programs within nonpublic day and residential facilities. Out-of-state placements are also monitored yearly. Public and nonpublic residential facilities are also monitored by the SDE in cooperation with the Louisiana Department of Health and Human Resources, Office of Licensing and Certification. All of these facilities are monitored to determine compliance with procedures for placing handicapped children in private schools.

In order to adequately monitor to ensure compliance with all aspects of both State and Federal laws and regulations, Departmental staff has developed a series of monitoring forms. The content of these forms is based on standards taken from P. L. 94-142, Bulletin 1706, and policies of the BESE.

For the indepth administrative review, the following forms are used:

a. An SDE document review guide that is used to analyze the documents that the systems have submitted to the Office of Special Educational Services. Included in the analysis are the P. L. 94-142 application and end-of-year evaluation, Annual School Reports, P. L. 89-313 projects, P. L. 94-142 discretionary projects, child counts, minimum foundation reports, statewide needs assessments, surrogate parent training data, etc.

b. A central office interview guide designed to address administrative issues such as tracking and data reporting capabilities; the child identification process from Child Search through School Building Level Screening Committee to assessment and diagnostic services; the development and implementation of IEPs with adherence to Least Restrictive Environment Rules and availability of a continuum of services; extended year programs; local monitoring procedures; inservice training; parental participation; procedural safeguards; discipline procedures; interagency agreements; and public participation.

c. The Individual Case Review guide with the corresponding checklist contains questions that follow an individual student's entire program from identification to IEP development and implementation is also used. This validates the following points: referral information, evaluation content and timelines, parental consent/signatures for evaluation, placement and IEP development, and a comparison of the IEP and the program currently being provided the student.

Questions on the Individual Case Review are directed to the principal, school building committee chairperson, special education teacher, regular teacher, related service personnel, pupil appraisal personnel, and parent or surrogate parent.

Documents reviewed onsite for each student include the student's cumulative folder, IEP (past and present), LRE checklist, and evaluation folder. Classroom and facility observations are also addressed.

The selection of students for individual case reviews is based on a random stratified sample that represent all ages, exceptionalities, and service settings. The length of the onsite monitoring visits varies from two to four days depending on the size of the system and the number of special education programs and services. The SDE team is composed of from 12 to 30 professional staff. All professional staff members participate in some of the monitoring visits. Immediately prior to the visit special education personnel are given specific assignments, and an entry interview is conducted with the superintendent. During the actual visit, team members use the interview form and also check the annual special education school reports for accuracy and consistency. They also talk with principals, regular teachers, special education teachers, and others. Other members of the staff are assigned to interview the supervisor of special education and other pertinent central office staff members. Each program area on both elementary and secondary levels is monitored as well as the child identification process.

d. The monitoring and evaluation of the effectiveness of the Child Identification procedures is addressed through several procedures.

First, prior to the onsite visit, and as part of the SDE Document Review, an analysis is made of the school systems' quarterly Child Search reports and monthly Pupil Appraisal reports. The types of Child Search activities undertaken and the effective areas of these activities as measured by the ages (0-21) and locations of referrals (i.e., out of school, public, nonpublic) are analyzed to determine if Child Search and Identification procedures are effective in locating and identifying all children suspected of being exceptional who are within their jurisdiction. If deficiencies are evident, additional information will be requested during the onsite visit and corrective actions required.

Second, during the onsite visit, any over-or-under-representation of ages and/or exceptionalities identified through the school system profile analysis is used as a discussion to identify weak, inadequate and/or inappropriate practices.

Third, the entire referral and evaluation process is also reviewed onsite, as well as the quality and timeliness of the evaluations. The Individual Case Review (described in c. examines a stratified random sample of referrals, protocols, and completed evaluations to determine that the evaluation process is timely, comprehensive, nondiscriminatory and meets all State and Federal criteria for determination of various handicaps.

At the end of a monitoring visit day, the staff meets again to synthesize the information and to make comments about the day's activities. Positive aspects of special education programming are noted as well as any deficiencies or discrepancies with existing State or Federal laws or BESE regulations and standards. At the termination of the visit an informal exit interview is held with the superintendent.

The information gathered during the visit is compiled by staff from the Office of Special Educational Services and submitted to the Superintendent of the State Department of Education. This report includes data collected from the central office interview, pupil appraisal review of multidisciplinary evaluations, and school building visits, including interviews with principals and teachers, student observations, and records reviews.

When synthesized, this information is recorded on a compliance document format that includes activities to correct deficiencies, timelines for corrections, person responsible, and resources to be used. Deficiencies are referenced to Bulletin 1706, and an explanatory statement is included with each deficiency.

Staff members from the school system that has been monitored are invited to the State Department of Education to meet to develop a formal compliance document. This document becomes a cooperative agreement between the school system and the SDE. The document is signed by the State Superintendent of Education and returned to the local agency. The document also becomes an addendum to the LEA application for the following year. This allows the SDE to monitor LEA use of Part B monies to correct identified deficiencies.

Once signed by the Superintendent of Education, the compliance document becomes a public document and, if requested, must be released by the SDE or the school system.

C. Policies and Procedures for Use of Part B Funds (300a148 of P. L. 94-142 Regulations)

The State of Louisiana, Department of Education, under the supervision of the Board of Elementary and Secondary Education, establishes the policy that funds paid to the State under Part B of the Act are spent in accordance with the provisions of Part B.

1. Funds received by the State under Part B of the Act for the fiscal year ending shall be distributed in the following manner:

   a. Seventy-five percent of the funds as mandated by Federal formula shall be distributed by the State to local and intermediate education agencies in the State for use in accordance with the priorities established by P. L. 94-142 regulations.

   b. The State will use an amount which is equal to the greater of:

      (1) Five percent of the total amount of funds received under this part or

      (2) $200,000 for administrative costs related to carrying out sections 613 and 614.

   c. The remainder shall be used by the State to provide support services and direct services in accordance with the priorities.

   d. The amount of funds available to local or intermediate education agencies shall be an amount that bears the same ratio to the total amount available to the State as to the number of handicapped children receiving special education and related services in the LEA or intermediate agency, ages 3 to 21 years, bears to the aggregate number of handicapped children, ages 3 to 21 years receiving special education and related services in all local educational agencies and intermediate educational units which apply to the State for funds under this part.

2. In order to receive these funds the State shall establish:

a. A goal of providing full educational opportunities to all handicapped children with a detailed timetable for accomplishing that goal and a description of the kind and number of facilities necessary throughout the State to meet such a goal.

b. That a free, appropriate public education be available for all handicapped children between the ages of 3 and 18 within the State not later than September 1, 1978, and for all handicapped children between the ages of 3 and 21 years within the State not later than September 1, 1980.

c. That all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

d. The protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the State and local education agencies.

e. The Amended Annual Program Plan shall be available to parents, guardians, and other members of the general public at least 30 days prior to the date of submission of the amendment to the commissioner.

f. Priorities for providing a free, appropriate public education to all handicapped children first with respect to handicapped children who are not receiving and education, and second, with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education and that adequate progress has been made in meeting the timetables.

D. Provision of Direct Services by State Department of Education

No direct services are provided by the Louisiana State Department of Education under EHA-B.

E. Implementation Procedures - State Department of Education

The Louisiana SDE has current interagency agreements with all of the human service agencies within the State that provide or are the site for the provision of services to handicapped students. The participating agencies include the Department of Corrections, Department of Health and Human Resources (Offices of Mental Health, Mental Retardation, Health Services, Vocational Rehabilitation, and Headstart). These agreements all contain specific reference to the assurance of procedural safeguards for all handicapped students.

All school systems are also required by Section 800 of the Bulletin 1706 to have in place interagency agreements with all agencies providing services to handicapped students such as mental health centers, maternal and child health and handicapped children's services, public health units, early and periodic screening, diagnosis, and treatment programs, Title XX providers, Special School District #1, State Board Special Schools, intermediate care facilities, long-term care facilities, other approved nonpublic agencies, and other local city/parish systems. Such agreements are required to address procedural safeguards.

With the interagency agreements in place, the ongoing SDE monitoring activities, the complaint management system, and the provision of inservice and technical assistance regarding procedural safeguards, the SDE ensures the effective implementation of procedural safeguards.

All public agencies that serve handicapped children receive a two-day inservice presentation annually to inform them of their responsibility for ensuring effective implementation of procedural safeguards. The SDE, Office of Special Educational Services, conducts the workshop and defines for the participating agencies the Louisiana policies for Due Process Procedures for Parents and Children. As a follow-up mechanism, all public agencies who serve handicapped children will be contacted on a quarterly basis to determine ...

1. if they are implementing the appropriate procedural safeguards, and

2. if problems or questions exist that require resolution.

Records of the workshop and follow-up contacts including problems or deficiencies noted will be documented.

Additionally, Bulletin 1706 requires that each school system reprint and provide to each parent of a student who is currently receiving special education or who is identified as suspected of being handicapped, a copy of the Office of Special Educational Services Child and Parent Rights booklet.

F. Public Participation

1. The State of Louisiana made public notice of approval of the FY81-83 Amended Annual Program Plan, EHA-B, and copies of the approved plan were available upon request.

   The following notice was placed for three days in the Baton Rouge State Times, Shreveport Times, Alexandria Town Talk, American Press of Lake Charles, Times Picayune of New Orleans, and the Daily Advertiser of Lafayette:

   PUBLIC NOTICE

   The U.S. Office of Education, Bureau of Education for the Handicapped, has informed Superintendent J. Kelly Nix and the State Board of Elementary and Secondary Education of the final approval of Louisiana's Amended Annual Program Plan for Education of the Handicapped Act, Part B, for Fiscal Years 1981-83. Copies of the Plan as approved by the U.S. Office of Education are available upon request from the Division of Special Educational Services, State Department of Education, P.O. Box 44064, Baton Rouge, Louisiana 70804. The Plan is also available for review in each parish statewide at the school board office.

   Following approval of the Louisiana FY84-86 Special Education Program Plan required by EHA-B, by the U.S. Department of Education, Office of Special Education and Rehabilitative Services, notices will be published in six major newspapers in Louisiana. The notices will contain verification of the approval of the plan, receipt of funding, and availability of copies of the approved plan.

The notices will be published for three days in the Baton Rouge State Times, Shreveport Times, Alexandria Town Talk, American Press of Lake Charles, Times Picayune of New Orleans, and Daily Advertiser of Lafayette.

The notice will read as follows:

PUBLIC NOTICE

The U.S. Department of Education, Office of Special Education and Rehabilitative Services, has informed Superintendent J. Kelly Nix and the State Board of Elementary and Secondary Education of the final approval Louisiana Special Education Program Plan under the Education of the Handicapped Act, Part B, for Fiscal Years 1984-86. Receipt of funds by the State allowed the approval of the Plan. Copies of the approved Plan are available upon request from the Office of Special Educational Services, State Department of Education, Post Office Box 44064, Baton Rouge, Louisiana 70804. The Plan is also available for review at each school board office throughout the State.

2. The FY84-86 Plan was available throughout the State from January 12, 1983, through March 31, 1983, for public review and comment. Notice was published for five days in six major newspapers throughout the State. The notice described the availability and content of the Plan; listed the times, place, and dates of the public hearings; and solicited comment from interested persons.

   Two hundred and eighty-four copies of the Plan were mailed to groups including the Deans of Colleges of Education, the Governor's Office, the Special Education Advisory Council, advocacy/liaison groups, major education associations, nonpublic representatives, the Board of Regents, the Commission on Higher Education, the Joint Legislative Committee on Education, and the Superintendents of City/Parish Schools, Special School District #1, BESE Schools and Catholic Diocesan School Boards.

3. The notice indicated that public comment could be taken through February 11, 1983, by the Department. The Board of Elementary and Secondary Education and the State Advisory Committee received public comment through March 24, 1983.

4. Public hearings were conducted at three sites: Baton Rouge, Shreveport, and Harvey (New Orleans metropolitan area). Notice of the public hearings was made in six major newspapers of the State. Hearings were conducted two to three weeks following the notice.

5. The following notice appeared in the Baton Rouge State Times, the Shreveport Times, Alexandria Town Talk, American Press of Lake Charles, Times Picayune of New Orleans, the Daily Advertiser of Lafayette on January 6, 7, 8, 10, and 11, 1983.

R.S. 17:1941 et seq./P.L. 94-142 - STATE SPECIAL EDUCATION PROGRAM PLAN FOR 1984-86.

The Department of Education, Office of Special Educational Services, will conduct three public hearings for the purpose of review of the proposed content of the State Special Education Program Plan for 1984-86. The purpose of these hearings is to take oral and written comments from parents of handicapped or other exceptional students, handicapped individuals, representatives of educational and human service agencies, parent organizations, and all others interested in the education of exceptional children. The hearings will be conducted at the following sites: A.D. Smith Auditorium, Education Building, 626 North 4th Street, Baton Rouge, Louisiana, January 18, 1983, from 7:00 p.m. to 9:00 p.m.; Caddo Special Education Center, 5948 Union Street, Shreveport, Louisiana, January 25, 1983, from 7:00 p.m. to 9:00 p.m.; Jefferson Parish Media Center, 501 Manhattan Boulevard, Harvey, Louisiana, January 27, 1983, from 6:00 p.m. to 8:00 p.m. The State Special Education Plan includes information about policies and procedures that are undertaken to ensure that eligible handicapped students have a right to a free, appropriate public education. Emphasis will be placed on review of the revised Comprehensive System of Personnel Development priorities and activities. Copies of the Special Education Program Plan will be available for public review during business hours at each of the following locations beginning January 12, 1983: Orleans Parish School Board, 4100 Touro Street, New Orleans,

Louisiana; Department of Education Building, 626 North 4th Street, Room 906, Baton Rouge, Louisiana; Lafourche Parish School Board, 805 East 7th Street, Thibodaux, Louisiana; Lafayette Parish Special Education Department, Airport and Chaplin Road, Lafayette, Louisiana; Region V Special Education Office, 501 Broad Street, Lake Charles, Louisiana; Rapides Public School Board Office, Sixth and Beauregard, Alexandria, Louisiana; Caddo Parish School Board Office, 1961 Midway, Shreveport, Louisiana; Ouachita Parish School Board Office, 100 Bry Street, Monroe, Louisiana. If you are unable to attend one of the public hearings, you may submit written comments to Dr. Patrick Cooper, Assistant Superintendent for Special Educational Services, Louisiana Department of Education, Post Office Box 44064, Baton Rouge, Louisiana 70804. Written comments should be submitted by February 11, 1983.

6. All public comments received on the FY84-86 Program Plan were reviewed by the Office of Special Educational Services, and the Plan was modified as necessary. Listed below are the public comments and the action taken:

COMMENTS	ACTION TAKEN
1. Recommendation that CSPD category of parents and volunteers be expanded to include paraprofessionals and that the focus of training also include classroom-based activities.	1. Recommendation followed and CSPD plan revised accordingly.
2. Portion of plan specific to State level review process does not accurately reflect recent regulatory change.	2. Revisions made.
3. FY84-86 plan is thorough and addresses State agencies.	
4. CSPD target groups of State education administrators should be ex-	4. Recommendation followed and CSPD plan revised ac-

panded to include administrators in other State level service agencies.	cordingly.
5. Child Search inservice sessions should also focus on personnel employed in regional service agency offices.	5. Addressed in plan.
6. Endorse recognition of the need for interagency planning for services for low incidence handicapped and multihandicapped children.	
7. Support emphasis on services to high risk young children.	
8. Concern expressed about limited LRE for physically handicapped children (NOTE: specific to a school system).	8. LRE addressed through procedural implementation, monitoring, and staff development activities.
9. Endorsement of efforts to increase number of teacher training programs in the area of severe/profound impairments.	
10. Request for State to consider establishment of Ombudsman program for parents.	10. Such programs are available through advocacy and parent organizations. State has established a parent liaison group to provide a link between the State agency and local parent groups.
11. Suggestion made that State mail information about plans and services to individual parents of exceptional students.	11. Cost factors would prohibit implementation of this suggestion. Information is mailed to State level organizations and to

	individuals upon request.
12. Request that sources of information quoted from statutes and regulations be cited.	12. Revisions made.
13. Request that State establish a special education toll-free number.	13. State education agency toll-free number is available, but it is used heavily. This suggestion has been taken into consideration.
14. Request that State review section of State IEP form specific to related services to ensure compliance with Federal regulations.	14. This recommendation has been acted on and the IEP form revised.
15. Endorsement of CSPD priorities, particularly training for parents and regular educators.	
16. Request that specific reference be made of the public availability of administrative site review reports.	16. Revisions made.

XVI. Confidentiality of Information

The following policies, definitions, and procedures ensure the confidentiality of personally identifiable information in Louisiana for the identification, location, evaluation, and placement of a free, appropriate public education of handicapped (exceptional) children.

As used in this part:

"Destruction" means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

"Education records" means the type of records covered under the definition of "education records" in Part 99 of the regulations implementing the Family Education Rights and Privacy Act of 1974.

"Participating agency" means any agency or institution which collects, maintains, or uses personally identifiable information, or from which information is obtained, under this part.

A. Notice to Parents

1. The State Department of Education shall give notice which is adequate to fully inform parents about the requirements under identification, location, and evaluation of handicapped children, including:

   a. A description of the extent to which the notice is given in the native languages of the various population groups in the State;

   b. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;

   c. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and

d. A description of all of the rights of parents and children regarding this information, including the rights under Section 438 of the General Education Provisions Act and Part 99 of the Family Educational Rights and Privacy Act of 1974 and the implementing regulations.

2. Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the State of the activity.

B. Access Rights

1. Each participating agency shall permit parents to inspect and review any education records relating to their children which are collected, maintained, or used by the agency under this part. The agency shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the child, and in no case more than 45 days after the request has been made.

2. The right to inspect and review educational records under this section includes the following:

   a. The right to response from the participating agency to reasonable requests for explanations and interpretations of the records;

   b. The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

   c. The right to have a representative of the parent inspect and review the records.

3. Each participating agency shall afford the parents of a handicapped child an opportunity to inspect and review all education records with respect to the identification, evaluation, and placement of a child and the provision of a free, appropriate public education.

4. An agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

C. Record of Access

Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used under this part (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

D. Records on More than One Child

If any education record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

E. List of Types of Locations of Information

Each participating agency shall provide parents, on request, a list of the types and locations of education records collected, maintained, or used by the agency.

F. Fees

1. A participating education agency may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

2. A participating agency may not charge a fee to search for or to retrieve information under this part.

G. Amendment of Records at Parent's Request

1. A parent who believes that information in education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the

child, may request the participating agency that maintains the information to amend the information.

2. The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

3. If the agency decides to refuse to amend the information in accordance with the request it shall inform the parent of the refusal and advise the parent of the right to a hearing under Section 8.

H. Opportunity for a Hearing

The agency shall, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

I. Result of Hearing

1. If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.

2. If, as a result of the hearing, the agency decides that the information in not accurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

3. Any explanation placed in the records of the child under this section shall be handled as follows:

   a. It must be maintained by the agency as part of the records of the child as long as the record or contested portion is maintained by the agency; and

   b. If the records of the child or the contested portion is disclosed by the agency

to any party, the explanation must also be disclosed to the party.

J. Hearing Procedures

A hearing held under Section 8 of this subpart must be conducted according to the procedures under 99.22 of this title.

K. Consent

1. Parental consent must be obtained before personally identifiable information is...

   a. Disclosed to anyone other than officials of participating agencies collecting or using the information under this part, subject to paragraph (b) of this section; or

   b. Used for any purpose other than meeting a requirement under this part.

2. An educational agency or institution subject to Part 99 of this title may not release information from education records to participating agencies without parental consent unless authorized to do so under Part 99 of this title.

3. If a parent refuses to provide consent under this section, the requesting agency may file a written complaint with the State Department of Education, Office of Special Educational Services. Such a complaint will be investigated by the Office according to BESE adopted procedures for the complaint management system required by EDGAR.

L. Safeguards

1. Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

2. One official at each participating agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information.

3. All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies

and procedures under 300a.129 of Subpart B of the P. L. 94-142 regulations and Part 99 of this title.

4. Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

M. Destruction of Information

1. The public agency shall inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child.

2. The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

N. Rights of Exceptional Children

Exceptional children and their parents acting on their behalf have the right to...

1. Receive equal education opportunity.

2. Be provided a free, appropriate public education.

3. Have the school system give careful consideration to the results of an independent evaluation with respect to the provision of a free, appropriate public education.

4. Inspect and review all educational records with respect to the identification, evaluation, and placement of the child and the provision of a free, appropriate public education.

5. Initiate a hearing on any of the matters described in §509A.

6. Receive an impartial hearing with opportunity for direct participation, representation by counsel, and other procedural rights.

7. Present complaints to the Department relating to identification, evaluation, or educational placement, or to the provision of a free, appropriate public education.

8. Have a surrogate parent assigned, where appropriate, by the school system.

9. Be provided, by the evaluation coordinator, with a written copy of the integrated report of the individual evaluation as soon as it is completed, together with a full oral explanation (effectively communicated) of both the findings and the recommendations.

10. Be provided, upon request, advance notice of the times, dates, and places of conduct of assessments, and, upon request, be permitted to view the proposed assessment locations, prior to the date and time of the proposed assessment, when assessments are not in progress. Such a viewing must be arranged with the appropriate administrative authority of the sites.

11. Have a personal consultation with members of the pupil appraisal staff conducting assessments.

12. Receive full and effective notice of proposed actions as provided in this Part.

13. Provide formal parental approval as provided in this Part.

14. Be informed of any free or low-cost legal and other relevant services available if a hearing is initiated.

O. Enforcement

Section XV, B of the FY84-86 Special Education Plan contains the SDE monitoring responsibilities. Included are the policies, procedures, and sanctions which the State uses to ensure that the requirements of this section are met.

REPORT OF HOW PART B FUNDS WILL BE USED

I. FY84-86 Part B Funds for Louisiana

The Louisiana State Department of Education will receive Part B monies for FY84-86 based on the State's child count and the congressional allocation.

Of these funds, 75 percent will flow directly to the school systems based on their child count.

Five percent will be used for administrative purposes and 20 percent will be utilized by the SDE for support services to assist in programs serving handicapped children.

II. State Allocation

A. Positions Paid by Part B Funds

The following positions will be paid for with Part B funds during FY84. These positions will continue to be funded with Part B funds during FY85 and FY86.

POSITION

Education Specialist III -
Supervisor of Educational Assessment Programs

Clinical Psychologist II -
Regional Pupil Appraisal Supervisor

Education Academic Supervisor -
Autistic/Emotionally Disturbed Programs

Education Academic Supervisor -
Speech/Hearing/Language Programs

Education Specialist III - Policy Research

Education Specialist III -

Section Chief -
P.L. 94-142, Part B Programs

Education Specialist II -
Special Education Program Approval

Two Assistant Directors -
Planning and Program Development
Psychological and Social Work Services

Two Accountants II

Accountant I

Eight Secretaries

Student Workers

(A description of each position listed above is contained in Appendix D.)

B. All of the listed positions will be funded entirely (100%) with Part B funds for FY84-86.

C. Administrative activities to be carried out during FY84-86 include the funding of the listed positions with the balance of the FY84-86 administrative funds spent to support the Part B personnel for travel, operating services (telephone, printing, lease of equipment, etc.), supplies, consulting services, and equipment purchase expenditures. With the inflation rate, it is anticipated that all Part B administrative funds will be expended and State monies may be required for some of the support services (travel, equipment, etc.).

D. No direct services will be undertaken by the State Department of Education during FY84-86.

Support services undertaken by the State Department of Education during FY84-86 with Part B discretionary funds will address the following priorities.

1. <u>Services for High Risk and Low-Incidence Handicapped Children</u>

To assist school systems in developing and strengthening programs for high risk children ages 0 to 3 years and low-incidence handicapped children ages 0 to 21 years (autistic, severely/profoundly retarded, deaf/blind, multihandicapped, deaf/hard-of-hearing, and blind/partially sighted). Service delivery for these students is expensive and requires multiagency/multidisciplinary involvement. Primary programmatic concerns include development and replication of interagency planning models, intradisciplinary team skill development; development of alternative models for service delivery; development of technical assistance materials related to specific instructional areas; and design of strategies for data collection and program decision making.

2. Secondary/Postsecondary Programs

To assist school systems in developing and strengthening secondary and postsecondary programs for handicapped students. Primary programmatic concerns include development of prevocational and vocational education programming and work study models, alternative disciplinary models, interagency planning models for students exiting special education, and adaptions of curricula.

3. Application of Technology

To assist school systems in the application of technology to special education programming and management. Primary emphasis will be on program development, implementation, and evaluation in the areas of automated support for planning and instruction and management of student and instructional data. Activities and programs that are developed must be compatible with the Office of Special Educational Services' LANSER project.

4. University Training Programs

To assist universities in the development and implementation of programs for training and/or certification of special education teachers, related service providers, and pupil appraisal personnel. Primary emphasis will be placed on initiation of generic, low-incidence, and special education/vocational education programs.

5. Regional Program Support

To assist school systems in systematic program development and maintenance through provision of regional support services. Primary emphasis will be placed on provision of regionally based support staff to assist school systems in fully implementing services for exceptional students, particularly in the areas of administrative management, selection of curriculum and materials, and staff development.

E. The Special Education Advisory Council shall perform the following:

1. Advise the State Board of unmet needs in the education of exceptional children, including needs identified through study and analysis of the hearing findings and decisions.

2. Comment publicly on the State annual program plan and rules or regulations proposed for issuance by the State regarding the education of exceptional children and the procedures for distribution of funds under P.L. 94-142.

3. Assist the State in developing and reporting such information and evaluations as may assist the U.S. Commissioner of Education in the performance of his responsibilities under Section 618 of P.L. 94-142.

F. The following are procedures of the Advisory Council:

1. The advisory council shall meet as often as necessary to conduct its business.

2. By July 1 of each year, the advisory council shall submit an annual report of council activities and suggestions to the State Board. This report must be made available to the public in a manner consistent with other public reporting requirements under this Part.

3. Official minutes must be kept on all council meetings and shall be made available to the public on request.

4. All advisory council meetings and agenda items must be publicly announced prior to the meeting, and meetings must be open to the public.

5. Interpreters and other necessary services must be provided at council meetings for council members or participants.

6. The advisory council shall serve without compensation, but the State Department of Education must reimburse the council for reasonable and necessary expenses for attending meetings and performing duties. Part B funds will be used for this purpose.

III. Location Educational Agency Allocation

A. In Louisiana, during FY84-86, 67 school systems will submit applications under Part B. This represents 100 percent of the school systems in Louisiana. All school systems will submit local applications for flow-through monies annually.

B. No school system will submit consolidated applications.

C. No school system will submit consolidated applications, so the number of school systems per application is not applicable.

D. No direct services using a school system allocation will be provided by the SDE under 34 CFR 300.600.